Trade Practices Regulations

Statutory Rules No. 170, 1974

made under the

Trade Practices Act 1974

Compilation No. 7

Compilation date: 11 March 1980

Includes amendments: F1997B01427

Prepared by the Office of Parliamentary Counsel, Canberra

Authorised Version F2026C00942 registered 28/09/2026

About this compilation

This compilation

This is a compilation of the *Trade Practices Regulations* that shows the text of the law as amended and in force on 11 March 1980 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Citation

These Regulations may be cited as the Trade Practices Regulations.

2 Interpretation

(1) In these Regulations:

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) A reference in these Regulations to:

(a) the Registrar (other than the reference in sub-regulation 15(3)), shall be read as including a reference to a Deputy Registrar; or

(b) the office of the Registrar, shall be read as including a reference to the office of a Deputy Registrar.

3 Computation of time

(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.

4 Direction in Forms

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.

5 Seal of the Commission

(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

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(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.

6 Offices of Commission

(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.

7 Application for authorization—Division 1 of Part VII

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.

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

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.

9 Notification of exclusive dealing

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

11 Service of documents on the Commission

(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.

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12 Service of documents on persons other than the Commission

(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.

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13 Recording of date of receipt of applications or notices

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.

14 Evidence in respect of receipt etc. of documents

(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.

15 Seal of the Tribunal

(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.

16 Hours of Registrar’s office

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* 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.

17 Title of proceedings before the Tribunal

(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 intituled in accordance with Form H.

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(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.

18 Filing or lodging of documents with the Registrar

(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.

19 File number o proceedings

(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.

20 Applications for review

(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 sub-regulation (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.

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21 Address for service in proceedings before Tribunal

(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.

22 Directions by the Tribunal as to certain matters

(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.

23 Orders and determinations of Tribunal

(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.

24 Confidentiality

(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

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(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.

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25 Summons to witness

(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.

26 Continuance of proceedings and matters notwithstanding non-compliance with Regulations or direction

(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.

27 Inspection of and furnishing of copies of, documents

(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:

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(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.

28 Fees

(1) Subject to subregulation (3), the fee payable for obtaining a copy referred to in paragraph 157(1)(e), 157(1)(f), 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.

(2) Subject to subregulation (3), the fee payable for obtaining a certified copy referred to in paragraph 157(1)(e), 157(1)(f), 165(1)(b) or 165(2)(b) of the Act is the fee ascertained in accordance with subregulation (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 Office of the Clerk

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

30 Evidence in respect of lodgment or receipt or non-lodgment or non-receipt of documents with Clerk

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.

31 Service under section 114

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:

(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:

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(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 Furnishing of particulars of conference agreements

(1) Lodgment of a document or documents in accordance with subsection 117(6) of the Act shall be effected:

(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 subregulation (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.

33 Certain particulars not to be furnished

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.

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34 Notice of inquiry by Tribunal under Part X

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.

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Schedule

Form A—Exclusionary provisions: Application for authorization

(Regulation 7)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974–Subsection 88(1)

EXCLUSIONARY PROVISIONS:

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission:

Application is hereby made under subsection 8(1) of the *Trade Practices Act 1974* for an authorization under that subsection

*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)

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(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.....

……..……...

……..……...

Date ……, 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 (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 subsection 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 subsection 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 subsection 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

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(b) make a determination granting an authorization under subsection 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 subsection 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.

_____

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Form B—Agreements affecting competition: Application for authorization

(Regulation 7)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974—Subsection 88(1)

AGREEMENTS AFFECTING COMPETITION:

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission:

Application is hereby made under subsection 88(1) of the *Trade Practices Act 1974* for an authorization under that subsection

*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)

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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)

.....

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(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 subsections 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 convenant 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

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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 subsection 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.

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Form C—Covenants affecting competition: Application for authorization

(Regulation 7)

[Front of Form]
COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974—Subsection 88(5)
COVENANTS AFFECTING COMPETITION:
APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission:

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

* to require the giving of, or to give, a covenant (other than a proposed covenant of a kind mentioned in subsection 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 subsection 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 covenant 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.....
……

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……..……

(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

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Schedule

Form C Covenants affecting competition: Application for authorization

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 subsections 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

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at the date of this application, the authorization shall, by subsection 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.

_____

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Form D—Notice seeking clearance

(Regulation 7)

[Front of Form]
COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974—Subsection 88(7)
SECONDARY BOYCOTTS:
APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission:

Application is hereby made under subsection 88(7) of the *Trade Practices Act 1974* for an authorization under that subsection

* 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, activity or occupation 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 of acquisition of goods or services is to be, or may be, hindered or prevented by the conduct.....
……...……...
……...……...

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4. Name and address or 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

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(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 T*rade Practices Act 1974* which provides that the Commission shall not—

"(a) make a determination granting—

(i) an authorization under subsection 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 subsection 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;".

———————

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Form E—Exclusive dealing: Application for authorization

(Regulation 7)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974—Subsection 88(8)

EXCLUSIVE DEALING:

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission:

Application is hereby made under subsection 88(8) of the *Trade Practices Act 1974* for an authorization under that subsection 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.....

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……...……
……

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.

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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 subsections 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 an 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 next year.

NOTICE

In relation to item 4, your attention is drawn to subsection 90(6) of the *Trade Practices Act 1974* which provides 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.".

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Form F—Mergers: Application for authorization

(Regulation 7)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974—Subsection 88(9)

MERGERS:

APPLICATION FOR AUTHORIZATION

To the Trade Practices Commission:

Application is hereby made under subsection 88(9) of the *Trade Practices Act 1974* for an authorization under that subsection 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.....

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……...
……...
……...

(*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 by/on behalf of the 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

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(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 subsection 90(9) of the *Trade Practices Act 1974* which provides as follows:–

"(9) The Commission shall not make a determination granting an authorization under subsection 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.".

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Form G—Exclusive dealing: Notification

(Regulation 7)

[Front of Form]

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974—Subsection 93(1)

EXCLUSIVE DEALING:

NOTIFICATION

To the Trade Practices Commission:

Notice is hereby given, in accordance with subsection 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in subsection 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 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.....

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(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 subsection 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 subsection 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act 1974*. With

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respect to such conduct, Form E (Exclusive Dealing: Application for Authorization) should be used.

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Form H—Title of proceedings before the Tribunal

(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)

_____

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Form I—Application to Tribunal for review

(Subregulation 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 subsection 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).

_____

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Form J—Application to Tribunal for review

(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 subsection 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).

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Form K—Summons to witness: Trade Practices Tribunal

(Regulation 25)

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

*Insert if applicable

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

AIA = *Acts Interpretation Act 1901*

am = amended

amdt = amendment

C[x] = Compilation No. x

ch = Chapter(s)

cl = clause(s)

cont. = continued

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

Ord = Ordinance

orig = original

p = page(s)

para = paragraph(s)/subparagraph(s) /subsubparagraph(s)

pres = present

prev = previous

(prev…) = previously

pt = Part(s)

r = regulation(s)/Court rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)

sch = Schedule(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

sub ch = SubChapter(s)

sub div = Subdivision(s)

sub pt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Number and year	Registration or gazettal	Commencement	Application, saving and transitional provisions
170, 1974	25 Sept 1974 (F1996B01420)	25 Sept 1974 (gaz 1974, No S78B)	
175, 1974	1 Oct 1974 (F1996B01421)	1 Oct 1974 (gaz 1974, No S80A)	—
247, 1974	23 Dec 1974 (F1996B01422)	23 Dec 1974 (gaz 1974, No S103D)	—
13, 1975	11 Feb 1975 (F1996B01423)	11 Feb 1975 (gaz 1975, No G6)	—
212, 1978	7 Nov 1978 (F1996B01424)	7 Nov 1978 (gaz 1978, No G44)	—
1, 1979	17 Jan 1979 (F1996B01425)	17 Jan 1979 (gaz 1979, No S4)	—
87, 1979	14 June 1979 (F1996B01426)	14 June 1979 (gaz 1979, No S108)	—
39, 1980	11 Mar 1980 (F1996B01427)	11 Mar 1980 (gaz 1980, No S47)	—

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Endnote 4—Amendment history

Provision affected	How affected
r 2	am No 1, 1979
r 5	am No 1, 1979
r 7	am No 1, 1979
	rs No 39, 1980
r 8	ad No 12, 1978
	rep No 1, 1979
	ad No 39, 1980
r 9	am No 1, 1979
	rs No 39, 1980
r 10	rep No 1, 1979
r 12	am No 1, 1979
r 13	am No 1, 1979
r 15	am No 1, 1979
r 17	am No 1, 1979
r 18	am No 1, 1979
r 20	am No 1, 1979
r 24	am No 1, 1979
r 25	am No 1, 1979
r 26	am No 1, 1979
r 28	am No 1, 1979
r 28A	ad No 175, 1974
	am No 247, 1974; No 13, 1975
	rep No 87, 1979
Schedule	
Schedule	rs No 1, 1979
Forms 1-10	rep No 1, 1979
Form A	ad No 1, 1979
Form B	ad No 1, 1979
Form C	ad No 1, 1979
Form D	ad No 1, 1979
Form E	ad No 1, 1979
Form F	ad No 1, 1979
Form G	ad No 1, 1979
Form H	ad No 1, 1979
Form I	ad No 1, 1979
Form K	ad No 1, 1979

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