

TRADE PRACTICES ACT 1974 (Cth)**Section 87B – Undertaking****PERSON GIVING UNDERTAKING**

This undertaking is given to the Australian Competition and Consumer Commission (“the Commission”) by REMINGTON WHITE AUSTRALIA PTY LTD (ACN 071 297 697) (“RWA”) of Level 1, 55 Whitehorse Road, Balwyn, Victoria under section 87B of the *Trade Practices Act 1974* (“the Act”).

BACKGROUND

RWA administers and provides access to a database known as the “National Rent Check Database” (“the database”). The database records information relating to the rental history of tenants, and is accessible in the Northern Territory to members of the Real Estate Institute of the Northern Territory (“REINT”) upon payment of an appropriate fee.

On May 21 1998, RWA refused to grant Flagstaff Real Estate (“Flagstaff”) access to the database because Flagstaff was not a member of the REINT.

The Commission considers that RWA, in refusing to grant Flagstaff access to the database in such circumstances, engaged in exclusive dealing in contravention of s.47(6) of the Act.

RWA has acknowledged the concerns of the Commission and has offered to provide the undertakings set out below to address those concerns.

The Commission has agreed to accept the undertakings of RWA under section 87B of the Act.

COMMENCEMENT OF UNDERTAKINGS

This undertaking comes into effect when:

- (a) the undertaking is executed by RWA; and
- (b) the undertaking so executed is accepted by the Commission.

UNDERTAKING

RWA undertakes, for the purposes of section 87B of the Act that:

- (a) RWA, its directors, servants or agents will grant Flagstaff membership of and access to the database as soon as possible (consequent on Flagstaff lodging a further application with RWA and paying the appropriate fee), and no later than 30 days after RWA receives Flagstaff's application; and
- (b) RWA, its directors, servants or agents, for a period of three years, will not refuse membership of and access to the database to any person for the reason that that person is not a member of the REINT.

ACKNOWLEDGEMENTS

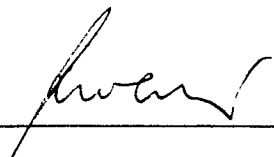
RWA acknowledges that the Commission will make these undertakings available for public inspection.

RWA further acknowledges that the Commission will from time to time publicly refer to these undertakings at its discretion.

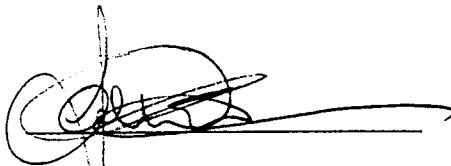
RWA further acknowledges and accepts that these undertakings in no way derogate from the rights and remedies which may be available to any other person arising from the alleged conduct.

Signed on 17th June . 1999

Signed for and on behalf of)
REMINGTON WHITE AUSTRALIA)
 PTY LTD by one of its directors in)
 the presence of:)



 Witness



 Director

ROBERT WHITE

 Name (print)

R. WHITE

 Name (print)

ACCEPTED BY THE AUSTRALIAN COMPETITION AND CONSUMER
COMMISSION PURSUANT TO SECTION 87B OF THE TRADE
PRACTICES ACT 1974 (Cth)


.....
Chairperson

Signed on Thursday 24 June 1999.



Australian
Competition &
Consumer
Commission

MediaRelease

SMALL DARWIN REAL ESTATE AGENCY AIDED BY A.C.C.C. ACTION

A small Darwin real estate agency has been aided by a court enforceable undertaking given to the Australian Competition and Consumer Commission by Remington White Australia.

Flagstaff Real Estate can now join the Rent Check Database, operated by Remington White Australia, without having to join the Real Estate Institute of the Northern Territory.

"No business should be required to pay for services from two organisations, when they actually only want services from one," ACCC Chairman, Professor Allan Fels, said. "The ACCC will intervene to protect small businesses in the market place when it believes that there is a breach of the Trade Practices Act."

The ACCC formed the view that Remington White requiring Flagstaff to join REINT as a condition before they could join the database was a breach of the *Trade Practices Act 1974*.

Remington White has undertaken to grant Flagstaff membership of the database, and not refuse any organisation membership of and access to the database, for the reason that organisation is not a member of the REINT.

More than 90 percent of all businesses in the NT are small businesses. The ACCC takes seriously its role in ensuring that the operating environment in which small businesses exist continues to be fair and competitive.

The ACCC acknowledges Remington White's cooperation in achieving a suitable outcome in this matter.

Further information

Professor Allan Fels, Chairman, pager (016) 373 536

Mr Derek Farrell, Regional Director, (08) 8943 1499

Ms Lin Enright, Director, Public Relations, (02) 6243 1108 or (0414) 613 520

MR 107/99

25 June 1999