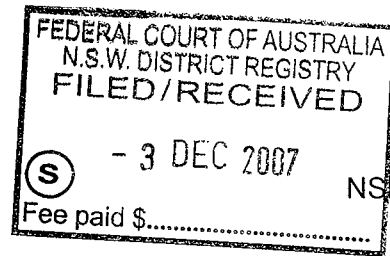


IN THE FEDERAL COURT OF AUSTRALIA  
NEW SOUTH WALES DISTRICT REGISTRY



NSD 702 of 2006

**JARRA CREEK CENTRAL PACKING  
SHED PTY LTD (ACN 085 691 425)**  
Applicant

**AMCOR LIMITED  
(ACN 000 017 372)**  
First Respondent

**AMCOR PACKAGING (AUSTRALIA) LIMITED  
(ACN 004 275 165)**  
Second Respondent

**FIBRE CONTAINERS (QUEENSLAND) PTY LIMITED  
(ACN 051 607 517)**  
Third Respondent

**VISY BOARD PTY LTD  
(ACN 005 787 913)**  
Fourth Respondent and First Cross-Respondent

**VISY INDUSTRIES HOLDINGS PTY LTD  
(ACN 005 787 968)**  
Fifth Respondent and Second Cross-Respondent

**VISY INDUSTRIES (AUSTRALIA) PTY LTD  
(ACN 004 337 615)**  
Sixth Respondent and Third Cross-Respondent

**AMENDED APPLICATION UNDER PART IVA  
OF THE FEDERAL COURT OF AUSTRALIA ACT 1976**  
(Order 73 rule 3; Form 129)

1. This proceeding is brought by the Applicant as representative party.
2. The group members to whom this proceeding relates ("**the Group Members**") are all those persons who purchased and paid more than \$100,000.00 for corrugated fibreboard packaging products ("**CFP**") in Australia during the period 1 May 2000 to 1 May 2005, other than persons who are related parties of the Respondents within the meaning of the *Corporations Act 2001* (Cth).

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**Filed on behalf of:**  
**Prepared by:**  
Maurice Blackburn Pty Ltd  
Lawyers  
ABN: 21105657949  
Level 20, 201 Elizabeth Street  
SYDNEY NSW 2000

The Applicant  
Tel: (02) 9261 1488  
Fax: (02) 9261 3318  
Ausdoc: DX 13002 Sydney Market Street  
Ref: BJS: 103241

3. The Applicant claims that it and Group Members have suffered loss and damage by reason of the conduct of the Respondents alleged in the Further Amended Statement of Claim, and will suffer further loss and damage if that conduct is repeated, and claims relief as follows:
- (a) Declarations pursuant to section 163A of the *Trade Practices Act 1974* (Cth) (“**the Act**”), alternatively section 21 of the *Federal Court of Australia Act 1976* (Cth) (“**the FCA Act**”), that the Respondents have contravened section 45(2)(a) of the Act by making arrangements or understandings referred to in:
    - (i) Paragraph 14; further or alternatively
    - (ii) Paragraph 90;of the Further Amended Statement of Claim.
  - (b) Declarations pursuant to section 163A of the Act, alternatively section 21 of the FCA Act, that the Respondents have contravened section 45(2)(b) of the Act by giving effect to arrangements or understandings referred to in:
    - (i) Paragraph 14; further or alternatively
    - (ii) Paragraph 90;of the Further Amended Statement of Claim.
  - (c) Pursuant to sections 75B and 82 of the Act, damages.
  - (d) Pursuant to section 80 of the Act, an order restraining the Respondents whether by their officers, servants, agents or otherwise from:
    - (i) making or reaching;
    - (ii) giving effect to; or
    - (iii) attempting to make or reach or give effect to;any contract, agreement, arrangement or understanding between suppliers of CFP in Australia having or containing any provision that:
    - A. has the purpose or effect, or is likely to have the effect, of fixing, controlling or maintaining or providing for the fixing, controlling or maintaining of the prices of CFP supplied in Australia;
    - B. has the purpose of preventing, restricting or limiting the supply of CFP:
      - I to particular persons or classes of persons; or
      - II to particular persons or classes of persons in particular circumstances or on particular conditions.

- (e) Pursuant to sections 75B and 87 of the Act, such further or other orders against the Respondents as the Court considers appropriate to compensate the Applicant and Group Members in whole or in part for the loss or damage which they suffered or are likely to suffer by the conduct of the Respondents, or to prevent or reduce such loss or damage.
  - (f) Interest.
  - (g) Costs.
  - (h) Such further or other relief and orders as the Court considers appropriate.
4. The questions of law or fact common to the claims of the Group Members are:
- (a) Whether the Respondents made the Primary Cartel Arrangement, the arrangements referred to in paragraph 90 of the Further Amended Statement of Claim or any of them;
  - (b) Whether the Respondents gave effect to the Primary Cartel Arrangement, the arrangements referred to in paragraph 90 of the Further Amended Statement of Claim or any of them;
  - (c) Whether the Primary Cartel Arrangement, the arrangements referred to in paragraph 90 of the Further Amended Statement of Claim or any of them contained provisions that:
    - (i) had the purpose of preventing, restricting or limiting the supply of CFP by the Respondents or bodies corporate related to them to particular persons or classes of persons, or to particular persons or class of persons in particular circumstances or particular conditions, within the meaning of section 4D of the Act;
    - (ii) by reason of the matters in (i), were exclusionary provisions within the meaning of section 45(2) of the Act;
    - (iii) had the purpose or effect, or were likely to have the effect, of fixing, controlling or maintaining, or providing for the fixing, controlling or maintaining, of the price of CFP supplied by the Respondents or bodies corporate related to them in competition with each other, within the meaning of section 45A of the Act;
    - (iv) by reason of the matters in (iii) and section 45A of Act, had the purpose or effect, or been likely to have the effect, of substantially lessening competition within the meaning of section 45(2) of the Act.

- (d) Whether, by making the Primary Cartel Arrangement, the arrangements referred to in paragraph 90 of the Further Amended Statement of Claim or any of them, the Respondents contravened section 45(2)(a) of the Act;
- (e) Whether, and if so how, the Respondents gave effect to the Primary Cartel Arrangement, the arrangements referred to in paragraph 90 of the Further Amended Statement of Claim or any of them;
- (f) Whether, by giving effect to the Primary Cartel Arrangement, the arrangements referred to in paragraph 90 of the Further Amended Statement of Claim or any of them, the Respondents contravened section 45(2)(b) of the Act;
- (g) Whether any and if so which contraventions of the Act by the Respondents had an effect that prices for CFP in Australia:
  - (i) supplied by them or bodies corporate related to them; or
  - (ii) supplied by other suppliers of CFP;were higher than the prices otherwise would have been;
- (h) If the contraventions of the Act by the Respondents had an effect that prices for CFP in Australia were higher than the prices otherwise would have been, the extent of the increase in prices;
- (i) The correct measure of any damages which the Respondents may be liable under the Act to pay to the Applicant and any Group Member;
- (j) Whether any, and if so what relief, other than monetary relief, should be granted in favour of the Applicant and Group Members.

5. The Applicant does not claim interlocutory relief.

Dated: 31/12/07  
BDB

**Maurice Blackburn Pty Ltd**  
Solicitor for the Applicant

## NOTICE TO RESPONDENTS

TO: **AMCOR LIMITED** (ACN 000 017 372)  
679 Victoria Street  
ABBOTSFORD VIC 3067



Law Courts Building  
Queens Square  
SYDNEY NSW 2000

Dated:

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**District Registrar**

The Applicant's address for service is care of its solicitor, Maurice Blackburn Pty Ltd, Level 20, 201 Elizabeth Street, Sydney in the State of New South Wales 2000.

The Applicant's address is care of Stokes & Co, Shop 2, 20 Butler Street, Tully in the State of Queensland 4854.

It is intended to serve this application on each person listed below:

First Respondent

Second Respondent

Third Respondent

Fourth Respondent

Fifth Respondent

Sixth Respondent