

# APPENDICES

COMMERCE COMMISSION  
ANNUAL REPORT 2007/08



## APPENDICES

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## APPENDIX I: COMPETITIVE MARKETS

### 11.1 MARKET STRUCTURE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADMINISTRATIVE RESOLUTIONS</b>			
Nil			
<b>LITIGATION RESOLVED</b>			
Nil			
<b>NO FURTHER ACTION REQUIRED</b>			
Telecom/TelstraClear	s47	Telecom's acquisition of TelstraClear's wireless sites/assets	No further action
Summerset Holdings Limited	EIR Act s81	Possible breach of provisions of the EIR Act due to the growth in its business	No further action
King Country Electric Power Trust (KCEPT)	EIR Act s81	KCEPT was selling down its interest in a lines business while increasing its interest in a supply company at the same time. KCEPT has provided an undertaking that no voting rights will be exercised prior to settlement	No further action

### 11.2 COORDINATED BEHAVIOUR

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADMINISTRATIVE RESOLUTIONS</b>			
Dunedin Real Estate	s27, 30	Alleged attempts to fix prices in the real estate industry in Dunedin	Compliance Advice Letter
School Sports	s27	Alleged that Auckland secondary schools had agreed not to allow students who transferred to schools to play in premier sports teams in their first year	Compliance Advice Letter
Paua Packers	s27, 30	Alleged agreement between paua processors on the Chatham Islands to fix a price increase for processing	Compliance Advice Letter
<b>LITIGATION RESOLVED</b>			
Nil			
<b>NO FURTHER ACTION REQUIRED</b>			
Turners and Growers	s27, via s30	Alleged that Turners and Growers and/or the Northern Flower Growers Association members may have entered into or attempted to enter into a contract, arrangement or understanding with the purpose or effect of fixing, maintaining or controlling prices by proposing and agreeing to a promotional levy on all flowers sold through two of the three auction houses	No further action
British American Tobacco Limited (BAT)	s27, 36	Alleged that BAT was substantially lessening competition in the cigarette wholesale market by contracting with a courier company to undertake its distribution	No further action

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
New Zealand Rugby Union	s27		No further action
Confidential	s27, 30	Alleged that two parties entered into a contract with the purpose or effect of fixing, maintaining or controlling prices by market sharing	No further action
Maui ROFR Gas	s27	Alleged that the joint selling of Maui right of first refusal gas (ROFR) resulted in a substantial lessening of competition	No further action
Pathology Services	s27, 30	Alleged exchange of competitively sensitive information when submitting a joint tender for the provision of pathology service in Otago/Southland and Hawke's Bay	No further action
Building Membranes	s27, 30	Allegedly excluding complainant's system from approval under its code of practice because of system's lower cost	No further action

### 11.3 UNILATERAL CONDUCT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADMINISTRATIVE RESOLUTIONS</b>			
Emerald Goods Limited	s37	Alleged resale price maintenance	Warning
Card Call Pty	s37	Alleged resale price maintenance in the market for international calling cards	Compliance Advice Letter
LLM Distribution	s37	Alleged resale price maintenance activity including a threat to cease supply by the importer, in conjunction with the supplier in Germany	Compliance Advice Letter and an agreement to cease the behaviour
Bike 360	s37	Alleged resale price maintenance activity	Compliance Advice Letter
Marlborough Lines	s36	Alleged use of market power to demand extensive guarantees from contractors for contracts completed for third parties	Compliance Advice Letter, negotiation and agreement to cease the conduct
School Uniforms	s36	Alleged that a number of schools were entering into exclusive contracts with either retailers or suppliers in relation to the supply of school uniforms	Guidelines produced
<b>LITIGATION RESOLVED</b>			
Nil			
<b>NO FURTHER ACTION REQUIRED</b>			
Bio-Zyme NZ Limited	s36	Alleged that Dux Industries Limited was abusing its market power by refusing to honour warranties if different de-greaser used instead of their affiliated companies	No further action
Livestock Improvement Corporation (LIC)	s36	Alleged that the price charged to competitors seeking to access LIC's cow database was anticompetitive	No further action

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Telecom (bundling)	s36	Alleged that Telecom was bundling calling, line and broadband products and creating a margin squeeze to force competitors out of the market	No further action
Bay of Plenty Newspapers	s37	Alleged that the Bay of Plenty Times specified the price at which a retailer could sell Bay of Plenty Times newspapers	No further action

### 11.4 DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>AUTHORISATIONS DETERMINED</b>			
Babcock & Brown Infrastructure Limited	EIR Act s81	Application for exemption from the application of the EIR Act	Exemption granted for specific period of time
Vector Limited	EIR Act s81	Application for for exemption, in particular from Arm's Length Rules 7-10 requiring separate management of electricity lines and generation businesses. The application was in respect of Vector's interest in New Zealand Wind Farms Limited	Conditional exemption granted
Gore District Council	EIR Act s81	Application for exemption from the cross-involvement provision of the Electricity Industry Reform Act from Gore District Council	Declined jurisdiction
Lloyd Morrison	EIR Act s81	Relation to Lloyd Morrison who is involved in two electricity supply businesses (WIAL and TrustPower) and two electricity lines businesses (AIAL - if appointed to the board - and WIAL)	Exemption granted with conditions
The Lines Company Limited	EIR Act s81	Exemption sought, in particular from Arms Length Rules 7-10 requiring separate management of electricity lines and generation businesses	Exemption granted with conditions
<b>CLEARANCES DETERMINED</b>			
Transpacific Technical Services/Medi-Chem Waste Services Limited	s66	Clearance to acquire the assets and business of Medi-Chem Waste Services Limited that relate to solvent treatment, recycling and disposal and/or the assets and businesses of Medi-chem that relate to the collection, treatment and disposal of other hazardous wastes but not including the medical and quarantine waste business, or the business of collecting and recycling lamps, amalgam and x-ray film and fluids	Application withdrawn
Transpacific Technical Services/Medi-Chem Waste Services Limited (Chemical Smalls)	s66	Clearance to acquire the assets and business of Medi-Chem Waste Services Limited that relate to the collection, treatment and disposal of hydrocarbon, miscellaneous chemical and intractable wastes	Clearance granted

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Transpacific Technical Services/Medi-Chem Waste Services Limited (Solvents)	s66	Clearance to acquire the assets and business of Medi-Chem Waste Services Limited that relate to solvent treatment, recycling and disposal and/or the assets	Clearance granted
ST Cigar Group/Schimmelpenninck/Tabacofina-Vander	s66	Clearance to acquire from British American Tobacco The Netherlands BV, all the shares in a Dutch company, Schimmelpenninck and through STCGH's Dutch subsidiary company Henri Wintermans Cigars BV, the cigar trademarks owned by the Belgian company TVE that are registered in New Zealand, Australia and Portugal	Clearance granted
New Zealand Post Limited & Salmat International Pty Limited/Letterbox Channel Limited and Deltarg Distribution Systems Limited	s66	Clearance was sought for the acquisition of shares in JV Co (a new company to be formed) by New Zealand Post Limited and Salmat International Pty Limited or their subsidiaries, in approximately equal proportions and the acquisition by JV Co of the assets of the unaddressed mail delivery businesses of Letterbox Channel Limited and Deltarg Distribution Systems Limited	Clearance granted
Southern Cross Health Trust/QE Hospital Limited	s66	Clearance for the acquisition of shares in JV Co (a new company to be formed) by Southern Cross Health Trust and QE Hospital Limited or companies owned by them and the acquisition by JV Co of the private surgical hospital businesses of Southern Cross Hospital Rotorua and QE Health Rotorua, including the shares held in QE Orthopaedics Limited by QE	Clearance granted
Schering-Plough Corporation/Organon BioSciences N.V. (Akzo Nobel N.V.)	s66	Clearance to acquire 100% of the shares in, or assets of, Organon BioSciences N.V. a wholly-owned subsidiary of Akzo	Clearance granted with divestments
Transpacific Industries Group (NZ) Limited/Enviro Waste Services Limited (Blenheim/Nelson)	s66	Clearance to acquire the business and assets of Enviro Waste Services Limited's solid waste collection businesses in Blenheim and Nelson	Clearance granted with divestments
Transpacific Industries Group (NZ) Limited/Enviro Waste Services Limited (Timaru/Oamaru)	s66	Clearance to acquire the business and assets of Enviro Waste Services Limited's solid waste business in Timaru and Oamaru	Clearance granted with divestments
Transpacific Industries Group (NZ) Limited/Enviro Waste Services Limited (Dunedin)	s66	Clearance to acquire the business and assets of Enviro Waste Services Limited's solid waste collection business in Dunedin	Clearance granted with divestments
Transpacific Industries Group (NZ) Limited/Enviro Waste Services Limited (Christchurch)	s66	Clearance to acquire the business and assets of Enviro Waste Services Limited's solid waste collection business in Christchurch	Clearance granted with divestments
A&R Whitcoulls Group Holdings Pty Limited/Borders New Zealand Limited	s66	Clearance to acquire 100% of the shares in Borders New Zealand	Clearance granted

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Cavalier Corporation Limited/Norman Ellison Holdings Limited	s66	Clearance for Cavalier International Limited and Norman Ellison Holdings Limited (NEHL), on behalf of the shareholders in NEHL (NE Shareholders), for a proposal under which a new joint venture company (owned by all parties) would acquire the carpet business of NEHL and subsidiaries (Norman Ellison) and the NE Shareholders would acquire shares in Cavalier Corporation Limited	Clearance granted
Pacific Radiology Limited/Wellington Radiology	s66	Clearance to acquire all of the assets of Wellington Radiology Limited	Clearance granted
Air Liquide New Zealand Limited/ASCOGAS Limited	s66	Clearance to acquire 100% of the shares in ASCOGAS Limited	Clearance granted
Vodafone Mobile New Zealand Limited/The Crown	s66	Clearance to acquire the management rights from the New Zealand Government for the radio frequency range between 889.8 and 915 MHz, together with the corresponding natural pair management rights in the 944.8 - 960 MHz range	Clearance granted
Telecom Leasing Limited/The Crown	s66	Clearance to acquire the management rights from the New Zealand Government for the radio frequency range between 2520 and 2540 GHz, together with the corresponding natural pair management rights in the 2640 - 2660 GHz range	Clearance granted
DFS Group Limited (Auckland)/The Nuance Group	s66	Clearance to acquire 100% of the shares in The Nuance Group	Clearance declined
Cadmus Technology Limited/Provenco Group Limited	s66	Clearance for a merger transaction through which Cadmus and Provenco will amalgamate pursuant to Part XIII of the Companies Act 1993	Clearance granted
Sumitomo Forestry Co Limited/Carter Holt Harvey Rangiora (Building Supplies Division)	s66	Clearance to acquire all of the medium density fibre board (MDF) assets and business operations of Carter Holt Harvey Limited (Building Supplies Division) situated in Rangiora	Clearance declined
Crane Group Limited/RX Plastics Limited	s66	Clearance to acquire 100% of the shares in, or assets of RX Plastics Limited	Application withdrawn
Telecom New Zealand Limited/The Crown	s66	Clearance to renew its 800MHz spectrum for a further 20 years from 2012	Clearance granted
Flint Group Holdings/Siegwerk New Zealand Limited	s66	Clearance to acquire up to 100% of the assets of Siegwerk New Zealand Limited	Clearance granted
Redeal Limited/Egley Electrical Co Limited and Egley Electrical Petone Limited	s66	Clearance to acquire 100% of the assets and business of Egley Electrical Co Limited and Egley Electrical Petone Limited	Clearance granted

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
New Zealand Investment Holdings Limited/RX Plastics Limited	s66	Clearance to acquire the shares or assets and business of RX Plastics Limited	Clearance granted
Vita New Zealand Limited/Pacific Brands Holdings (NZ) Limited	s66	Clearance to acquire the assets of Pacific Brands Holdings (NZ) Limited	Clearance granted
<b>LITIGATION RESOLVED</b>			
Transpacific Industries Group (NZ) Limited	s66	Appeal of the Commission's decision to decline Transpacific Industries Group (NZ) Limited's application to acquire the South Island assets and businesses of Enviro Waste Services Limited and up to 50% of the shares in Manawatu Waste Limited	Appeal withdrawn

## 11.5 FRAMEWORK DEVELOPMENT

ISSUE	DESCRIPTION
<b>ADVICE TO OFFICIALS ON PROPOSED LAW REFORM</b>	
MED Review of Part 5 of the Commerce Act	Submission on MED Discussion Document on Review of Clearance and Authorisation Provisions of the Commerce Act
High Court Rules Committee on Class Actions	Submission to High Court Rules Committee on Class Actions
MED Review of Part 5 of the Commerce Act	Advice to MED on splitting the review and the first tranche of amendments
Information Disclosure and Fees Bill	Advice to MED on the draft bill, which would enable the Commission to provide information and investigative assistance to overseas regulators
EIR Act Amendment Bill	Advice to MED on embedded networks
Information Disclosure and Fees Bill	Advice to MED on the draft bill, which would enable the Commission to provide information and investigative assistance to overseas regulators
Emission Trading Scheme Bill	Advice to Treasury on the draft bill on how the free allocation of carbon credits might create a barrier to entry or expansion
<b>INTERNATIONAL INFORMATION EXCHANGE AND LIAISON</b>	
OECD Annual Report on Competition Policy	Report to the OECD Competition Committee on major developments in the competition area in 2006/07
OECD Roundtable on Facilitating Practices	Submission to OECD on the application of the Commerce Act to facilitating practices, being agreements that facilitate coordinated action within markets
OECD Roundtable on Managing Complex Mergers	Submission to OECD outlining the Commission's experiences carrying out quantitative analysis and handling large data sets in the course of merger reviews

ISSUE	DESCRIPTION
Asian-Pacific Economic Cooperation Individual Action Plan peer review questions	Response to Peer Review questions on New Zealand's chapter on competition in the 2006 APEC Individual Action Plan
Questionnaire from Thailand Department of Internal Trade	New Zealand's Approach to Competition Policy
ACCC/NZCC Co-operation Agreement	Signed Co-operation Agreement with ACCC on 31 July
International Competition Network Unilateral Conduct working group	Submission on predatory pricing
ICN Unilateral Conduct working group	Submission on single branding/exclusive dealing
ICN Special Programme	Submission on abuse of superior bargaining position
OECD Competition Committee	Input to the 100th Competition Committee Commemoration questionnaire
ICN outreach questionnaire	Completed questionnaire about the Commission's involvement in the ICN
OECD Competition Committee	Completed questionnaire on the use of Competition Committee outputs such as roundtable publications and reports

## 11.6 PUBLIC INFORMATION/EDUCATION

### MEDIA RELEASES

TOPIC	RELEASE DATE
Schering-Plough applies for clearance to acquire Organon BioSciences	11 Jul 2007
ST Cigar Group applies for clearance to acquire Schimmelpenninck and Tabacofina	17 Jul 2007
Reasons for The Warehouse acquisition declines	20 Jul 2007
Southern Cross and QE Health apply for clearance to form a joint venture	3 Aug 2007
New Zealand Post and Salmat apply for clearance to form a joint venture	9 Aug 2007
Transpacific Technical Services submits revised applications for clearance to acquire Medi-Chem	15 Aug 2007
Transpacific Technical Services (NZ) Limited cleared to acquire the chemical smalls business of Medi-Chem Waste Services Limited	16 Aug 2007
Commission settles with coffee machine distributors over anti-competitive conduct	17 Aug 2007
Transpacific Industries applies for clearance to acquire part of Enviro Waste Services	20 Aug 2007
ST Cigar Group cleared to acquire Schimmelpenninck & Tabacofina	21 Aug 2007
Transpacific Industries applies for clearance to acquire further parts of Enviro Waste Services	23 Aug 2007
Transpacific Technical Services (NZ) Limited cleared to acquire the solvents business of Medi-Chem Waste Services Limited	30 Aug 2007
NZ Post and Salmat cleared to form joint venture	13 Sep 2007

TOPIC	RELEASE DATE
Whitcoulls' parent company applies for clearance to acquire Borders	28 Sep 2007
Southern Cross and QE Health cleared to form a joint venture	28 Sep 2007
Electricity Industry Reform Act: Commission grants exemption to Vector	01 Oct 2007
Schering-Plough cleared to acquire Organon BioSciences	04 Oct 2007
Cavalier and Norman Ellison apply for clearance to form a joint venture	12 Oct 2007
Pacific Radiology applies for clearance to acquire Wellington Radiology	19 Oct 2007
Electricity Industry Reform Act: Commission grants exemption to The Lines Company	01 Nov 2007
Transpacific Industries cleared to acquire parts of EnviroWaste Services provided assets are divested	01 Nov 2007
Commission receives application for EIR Act exemption from Lloyd Morrison	02 Nov 2007
Commission receives application for EIR Act exemption from Babcock & Brown International Limited	02 Nov 2007
Court of Appeal confirms that NZ Bus acquisition of Mana Coach shares breached Commerce Act	15 Nov 2007
Cavalier and Norman Ellison cleared to form joint venture	15 Nov 2007
Electricity Industry Reform Act: Commission grants exemption to Lloyd Morrison	19 Nov 2007
Reasons for Transpacific Industries being cleared (with divestments) to acquire parts of EnviroWaste Services	21 Nov 2007
Cadmus and Provenco apply for clearance to merge	21 Nov 2007
Whitcoulls cleared to acquire Borders	21 Nov 2007
Commerce Commission initiates legal action against alleged cartel	21 Nov 2007
DFS Group Limited applies for clearance to acquire The Nuance Group	23 Nov 2007
Sumitomo Forestry applies for clearance to acquire Carter Holt Harvey MDF assets in Rangiora	28 Nov 2007
The Warehouse High Court decision	29 Nov 2007
Air Liquide New Zealand Limited applies for clearance to acquire ASCOGAS Limited	14 Dec 2007
Commerce Commission seeks to appeal Warehouse decision	18 Dec 2007
Court grants interim stay on Warehouse judgment	19 Dec 2007
Reasons for A & R Whitcoulls cleared to acquire Borders New Zealand	20 Dec 2007
Pacific Radiology cleared to acquire Wellington Radiology	20 Dec 2007
Commission closes investigation into Telecom	21 Dec 2007
Vodafone applies for clearance to acquire radio spectrum management rights	18 Jan 2008
Commission welcomes leave to appeal Warehouse judgment	31 Jan 2008
Guidelines to interrelationship between Commerce and Telecommunications Act issued	31 Jan 2008
Telecom applies for clearance to acquire radio spectrum management rights	31 Jan 2008
Cadmus and Provenco cleared to merge	05 Feb 2008

TOPIC	RELEASE DATE
Court dates set for Warehouse appeal	05 Feb 2008
Nufarm's prosecution brings fines in New Zealand's biggest cartel case over \$7.5m	12 Feb 2008
New Zealand Investment Holdings applies for clearance to acquire RX Plastics	13 Feb 2008
Air Liquide cleared to acquire ASCOGAS	13 Feb 2008
Vodafone cleared to acquire radio spectrum management rights	15 Feb 2008
Crane Group applies for clearance to acquire RX Plastics	21 Feb 2008
Telecom cleared to acquire radio spectrum management rights	07 Mar 2008
Vita New Zealand applies for clearance to acquire assets of Pacific Brands	12 Mar 2008
Commission declines to give Sumitomo Forestry clearance to acquire Carter Holt Harvey MDF assets in Rangiora	20 Mar 2008
Commission declines to give DFS Group Limited clearance to acquire the New Zealand operations of The Nuance Group	28 Mar 2008
Southern Cross and Aorangi Hospital apply for clearance to form a joint venture	01 Apr 2008
New Zealand Investment Holdings Limited cleared to acquire RX Plastics Limited	03 Apr 2008
Flint Group Holdings applies for clearance to acquire Siegwark New Zealand Limited	04 Apr 2008
Commerce Commission issues Maui Pipeline Open Access draft determination	15 Apr 2008
Vita NZ cleared to acquire assets of Pacific Brands	28 Apr 2008
Supermarket fined for offering prize after competition had closed	01 May 2008
Flint Group Holdings S.A.R.L. cleared to acquire Siegwark New Zealand Limited	14 May 2008
Redeal applies for clearance to acquire Egley Electrical	16 May 2008
Tegel Foods Limited applies for clearance to acquire a group of companies collectively known as Brinks	22 May 2008
Court of Appeal confirms NZ Bus acquisition of Mana Coach shares breached Commerce Act	06 Jun 2008
Redeal cleared to acquire Egley Electrical	12 Jun 2008
Reasons published for decline of DFS Galleria's acquisition of Nuance	23 Jun 2008
Shell NZ applies for clearance to acquire certain aviation fuel assets of Mobil Oil NZ	25 Jun 2008

## PRESENTATIONS

AUDIENCE	DATE	FOCUS/THEME	SPEAKER
Competition Law and Policy Institute NZ	03-05 Aug 2008	Issues arising from the application of the leniency policy	Peter Taylor
Competition Law and Policy Institute NZ	03-05 Aug 2008		Vanessa Oakley
Simpson Grierson Policy Maker series lunch	07 Aug 2007	The Commerce Commission's role in shaping New Zealand's competitiveness	Paula Rebstock

AUDIENCE	DATE	FOCUS/THEME	SPEAKER
Simpson Grierson Auckland	20 Aug 2007	The Commerce Commission's role in shaping New Zealand's competitiveness	Paula Rebstock
Phillips Fox Auckland (Mark Williamson)	17 Sep 2007	Commerce Act Update	Geoff Thorn
Fordham University Competition Law Conference	Sep 2007	As much market as possible and as much regulation as necessary - New Zealand's experience with unbundling in the electricity industry	Peter R Taylor
Wellington Regional Chamber of Commerce Aon lunch	09 Oct 2007	Competition and the role of the Commerce Commission	Paula Rebstock
Pencarrow Rotary	18 Feb 2008	Commerce Commission working for consumers	Deborah Battell
8th Annual Competition Law and Regulation Review	18 Feb 2008		Peter R Taylor
Auckland District Law Society Breakfast	07 Mar 2008		Paula Rebstock
Citigroup Wellington Roundtable afternoon tea	18 Mar 2008		Paula Rebstock
7th Annual Conference of International Competition Network (ICN), Kyoto, Japan	14-16 Apr 2008	(speaking on panel)	Deb Battell
Chapman Tripp Retreat	19 Apr 2008		Tania Pringle
Australian Compliance Institute Regulator Conference	15 May 2008		Deb Battell
OECD Roundtable, Paris	09-12 Jun 2008	Bundled discounts and single product loyalty discounts: New Zealand	Paula Rebstock
District Health Boards New Zealand Chairs Board of Governance Meeting	16 Jun 2008	Relevance of the Commerce Act for the health sector and DHBs	Deb Battell
Trans-Tasman Business Circle Auckland Luncheon	27 Jun 2008		Paula Rebstock

## PUBLICATIONS

Nil
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## 11.7 REPORTS TO THE MINISTER

REPORTS TO THE MINISTER
Nil
LITIGATION RESOLVED
Nil

## APPENDIX II: INFORMED CONSUMERS

### 12.1 FAIR TRADING

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADMINISTRATIVE RESOLUTIONS</b>			
Country Life Real Estate Limited t/a Premium Real Estate	s14(1)(b)	Alleged misleading representation as to a house being a four-bedroom house when in fact it only had three bedrooms	Settlement
Dell NZ Limited	s9,10,13(g), 17	Alleged that trader sold computer monitors which it was aware were faulty	Settlement
Ezibuy	s10, 13(a)	Alleged misleading representation as to a mohair throw being pure mohair when in fact it was 62% acrylic	Settlement
Sade Developments Limited	s14	Alleged that trader made false or misleading statements concerning whether a land development had received resource consent	Warning
The Warehouse Limited	s13(j)	Alleged misleading representations in that packaging stated 'Manufactured by Auckland Electric Blanket Limited' but was 'Made in China'	Warning
The Wild West Adventure Company Limited	s19	Alleged advertising of commercial abseiling trips on DOC land when did not have required consent	Warning
Stylish Clothing Company (1988) Limited	s13(j), 18	Alleged misleading representations regarding the country of origin of garments	Warning
VPharmacy t/a Unichem Hunters Valley	s10, 13(g)	Alleged that trader was misrepresenting the savings of sale items by quoting a higher 'normal' price	Warning
Compass Communications Limited	s10, 13(c)(g)	Alleged that trader had switched customer without authority from normal supplier	Warning
Eva Enterprises Limited t/a Travel Smart Manners Street	s13(g)	Alleged that trader made false representations by advertising a fare price that was no longer available	Warning
Goodman Fielder New Zealand Limited t/a Kiwi Bacon and Premier Bacon Company Limited	s13(j)	Alleged misleading representation as to the country of origin of bacon in that the use of the Kiwi brand and 'taste of New Zealand' may have been misleading given that the bacon was made from imported pork	Warning
Genesis Energy Limited	s11, 13(c)(g)	Alleged misleading representations as to the requirement for customers to pay for a gas connection although the customers had not agreed to purchase gas from the trader	Warning
Hillcrest Services Limited	s13(g)	Alleged that the trader made misleading representations as to the outstanding unpaid balance of loans in that it supplied differing amounts to debtors	Warning
Wilson Parking NZ Limited	s13(g)	Alleged misleading representation as to price of car parking in that price increases were not disclosed	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Bayleys Real Estate - Papakura	s13(1)(b)	Alleged misleading representation that a property had a large barn suitable for accommodation when in fact there were no kitchen facilities and the barn was not permitted as a residence	Warning
Callplus Services Limited t/a Slingshot	s13(g), 11	Alleged misleading representation as to the price of broadband in that the television advertising did not disclose some additional costs	Warning
Pacific Culture NZ Limited	s24	Alleged that trader was operating a pyramid scheme	Warning
Ezibuy Limited	s13(a)	Alleged misleading representation as to a mohair throw being pure mohair when it was 62% acrylic	Settlement
Geneva Finance Limited - refinance	s13(l)	Alleged misleading representation as to the debtor's rights under the Credit Repossession Act in that creditor was adding interest and fees to unpaid balances when it was prohibited from doing so	Settlement
Alt TV Limited	s13(g)	Alleged misleading representations regarding the nature of the prize on offer and failure to disclose the cost of entering the competition	Settlement
Old Fashioned Foods NZ Limited	s13(a)	Alleged misleading representation as to the fat content of rice bran oil	Warning
Coles Group NZ Holdings Limited t/a Kmart New Zealand (Botany Downs)	s19	Alleged misleading representation as to the availability of goods on sale, in that the trader allegedly had none of the goods in stock on the first day of a sale	Warning
Goodman Fielder New Zealand Limited t/a Kiwi Bacon and Premier Bacon	s13(j)	Alleged misleading representation as to the country of origin of bacon in that the use of the Kiwi brand and 'taste of New Zealand' may have been misleading given that the bacon was made from imported pork	Warning
DSE (NZ) Limited (DVD Investigation)	s13(a)	Alleged misleading advertising of DVD players, not disclosing they were reconditioned	Warning
Mitre 10 New Zealand Limited t/a Mitre 10 Mega Henderson	s13(a)	Alleged misleading representation that a heater was a 2400 watt model with three heat settings when allegedly the heater was a 2000 watt heater with only two heat settings	Warning
Electronics Boutique Limited	s13(g)	Alleged misleading representation that the trader would match competitor's price but did not disclose that it did not match prices of products offered on the internet	Warning
Vodafone (NZ) Limited	s13(g)	Alleged misleading representation as to the cost of 'free' broadband in that additional charges related to the 'Free Broadband with Home Phone' promotion were not disclosed in advertising	Warning
New Zealand Post	s13(b)	Alleged that trader was applying a 15% surcharge without disclosing this	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nova Gas Limited	s13(g)	Alleged that trader was advertising a free delivery service that actually cost \$20.00	Warning
Pak 'n' Save Limited	s13(g)	Allegation that price in store was higher than price in advertising	Warning
Barry Roberts (Chemist) Limited	s13(g)	Allegation that trader was having a permanent sale, thus misrepresenting savings	Warning
Smith and Smith	s13(g)	Alleged false or misleading representations in advertising 'call us for free windscreen repair'; and requesting to use car insurance to cover for the repair	Warning
Panmure Furniture City (1983) Limited t/a Furniture City	s13(g)	Alleged misleading representations as to availability of sale items in catalogue 'Up to 60% off Spring Sale'	Warning
Kiwibank Limited/NZ Post - Prezy Card	s13(g)	Allegation of misleading representations as to the currency conversion rates charged on overseas transactions	Settlement
CSL Biotherapies New Zealand Limited	s13(e)	Allegedly product claim to provide at least eight hours' protection was false in the New Zealand context	Settlement
BDM Grange Limited	s13(e)	Allegedly misrepresenting level of protection offered on a sunscreen	Settlement
Tanning Research Labs Inc t/a Hawaiian Tropic	s13(e)	Allegedly misrepresenting level of protection offered on a sunscreen	Settlement
Once Sunscreen Limited	s13(e)	Allegedly breaching the Act by false or misleading advertising concerning the time sunscreen was effective	Settlement
Team Wellington Limited and John Stuart Willcox	s14(1)(b)	Allegedly advertising misrepresented resource consent as provisional resource consent when no application had been made	Settlement
Skills New Zealand Limited	s13(f)	Alleged misleading representation that company was a registered immigration agent when, at the time of the advertising, there was no registration system in place	Warning
Richmastery Limited	s13(g)	Allegedly misrepresenting the true interest rate of a mortgage to consumers	Warning
LMC Lawn Mower Company Limited	s13(j)	Alleged false or misleading representations as to place of origin of lawnmowers, being advertised as being designed in New Zealand; however, only colour, coatings and logos were New Zealand specific	Warning
The Suite Centre	s19(1)	Allegedly accepting orders and deposits for lounge suites without intention to supply	Warning
Callplus Services Limited t/a Slingshot	s13(b)	Allegedly misleading consumer as to the disconnection process for broadband	Warning
H & I Kareko	s24	Alleged promotion of pyramid selling scheme	Warning
Noel Leeming Group	s19(1)	Allegedly bait advertising using picture of laptop that was not available under promotion	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Kiwi Mortgage Market Limited	s13(e)	Allegedly not all traders/brokers were accredited as claimed	Warning
Table Pride Limited	s13(g)	Allegedly misrepresenting RRP of knives	Warning
Healtheries of New Zealand Limited	s13(a)	Allegedly making an MSG-free claim on a product which contained MSG	Warning
Fletcher Distribution Limited t/a Placemakers	s13(a)	Alleged misleading representations in marketing T1.2 timber framing in such a way as to lead consumers to believe it was equivalent to H1.2 timber	Settlement
Holidays Expo Limited - Fiji Travellers Club	s13(g)	Alleged misleading representations as to the price of travel packages	Warning
Direct Holdings NZ Pty Limited t/a Time Life	s13(c)	Alleged misleading conduct in that trader was representing that customers had agreed to acquire goods when that was not the case	Warning
TelstraClear Limited	s13(g), 11	Alleged misleading representation as to the price of dial-up internet access in that the complainant signed up to a flat rate plan but was then charged a non-disclosed 'voice charge' of 4.5 cents per minute	Warning
Sir Communications Pty Limited	s13(g)	Alleged failing to adequately disclose cost of using telephone card	Warning
TelstraClear Limited	s13(a)	Alleged misleading representations in that business calls advertised as being 'unlimited' were in fact limited/capped	Warning
H & J Smith Limited t/a H & J's Outdoor World	s13(g)	Alleged misleading advertising with inflated RRP so therefore implied savings were incorrect	Warning
NZECOBIKES Limited	s13(f)	Alleged misrepresentation of affiliation to service agents around the country	Warning
Vastsea International Limited	s13(a)	Alleged misleading representation in that sheepskin boots sold were in fact sheepskin when testing indicated the boots were made from synthetic materials	Warning
Gascoigne Furniture NZ Limited	s13(j)	Alleged misleading representations as to place of origin	Warning
Dick Smith Electronics - Sylvia Park	s13(g)	Alleged misleading price representations as to the savings to be had over sale period	Warning
Chrysalis Recruitment	s12	Alleged misleading representation as to the intention to supply recruitment service for immigrants from the UK	Warning
Wellington Combined Taxis Limited	s13(b)	Alleged misleading representations with regard to the car fleet being 'green' and eco-friendly	Warning
Wilson Parking NZ Limited	s13(g)	Alleged misleading advertising of \$10 all day earlybird parking when the onsite machine did not allow for such parking tickets	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
The Goldsmith	s13(g)	Alleged misleading representation as to the sale price of an emerald and diamond ring in that the saving was off a valuation that was alleged to be over-inflated	Warning
Urban Leathergoods Limited t/a Kingston Leathergoods Limited	s13(g)	Alleged misleading representations about the nature and duration of 'sale'	Warning
Sime Darby Motor Group (NZ) Limited t/a City Nissan	s13(a)	Alleged misleading representation as to the characteristics of an advertised Nissan Navara in that the advertisement stated that the model available was a 4WD double cab when in fact the offer related to a 2WD two-door model	Warning
Lochores Real Estate Limited t/a The Professionals	s14	Alleged misleading representation in an advertising flyer that trader was responsible for selling the complainant's property when this was not correct	Warning
Lou Borg Painters	s13(b)	Alleged claim to be a member of the Master Painters Association, when trader had been ejected from that organisation	Warning
106 Compliance Advice Letters			
<b>LITIGATION RESOLVED</b>			
Park 2 Sell	s13(g)	Allegedly purported to contract out of his obligations under the CGA and thereby misled consumers as to their rights under CGA	Litigation resolved
Fly Away NZ Limited (Warren Croad)	s13(g)	Alleged false and misleading representations made to consumers and retailers who sought to join an incentive programme that flights were free when in fact they were subsidised by inflated accommodation prices which had to be purchased as a condition of taking the flights	Litigation resolved
Probitas Limited	s13(a)	Alleged false/misleading representation in relation to fertiliser product which does not have benefits claimed for it	Litigation resolved
Carrera Benz Diamond Industrie	s13(g)	Alleged misleading representations as to the value, quality and price of jewellery being sold by the company and that the jewellery had been valued by a qualified and independent valuer	Litigation resolved
Oaks Hotels & Resorts New Zealand Limited	s13(g), s11	Alleged misleading representation as to the price of a hotel room in that the trader was advertising from \$79 when in fact this price was only available for bookings of 28 days or more	Litigation resolved
American Express International Limited	s13(g), 11	Allegedly misrepresenting currency conversion fees charged on overseas credit card transactions	Litigation resolved

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
The Warehouse Financial Services Limited*	s11, 13(g)	Alleged misleading representations as to the currency conversion rates charged on overseas transactions	Litigation resolved
ASB Bank Limited*	s11, 13(g)	Alleged misleading representations as to the currency conversion rates charged on overseas transactions	Litigation resolved
TSB Bank Limited*	s13(g)	Alleged misleading representations as to the currency conversion rates charged on overseas transactions	Litigation resolved
Diners Club (NZ) Limited*	13(g)	Alleged misleading representations as to the currency conversion rates charged on overseas transactions	Litigation resolved
Hill & Stewart Appliances Limited	s10, 13(a), 17(a)	Alleged misleading representation that goods could be purchased interest free when in fact customers could negotiate a cash discount meaning that the difference was in effect interest	Litigation resolved
230 Marua Limited	s13(a)	Alleged misleading representations as to the price of leather lounge suites in that the representation as to 'save' and 'was' prices were false	Litigation resolved
Advek Holdings Limited	s13(g)	Alleged misleading representations as to price savings on beds	Litigation resolved
Timothy Whitehead	s14	Alleged false claim of a 'buyer enquiry over' price that he knew would not be acceptable thus misleading potential purchasers that they may be able to get house well below what the seller would accept	Litigation resolved
OM Petroleum (NZ) Limited t/a Challenge Service Station Milford	s13(g)	Alleged misrepresentation as to the price of petrol in that the trader was adding two cents per litre to cover the cost of 'full forecourt service' but this was not disclosed to customers	Litigation resolved
Marketing Direct Limited	s13(a)	Alleged that trader promoted a product, Celluslim, claiming that the capsules would melt fat fast, 100% exercise and diet free	Litigation resolved
Effluent Services Limited	s13(f), (g)	Alleged misleading representations as to the reasons for increased costs above what was originally estimated	Litigation resolved
<b>NO FURTHER ACTION REQUIRED</b>			
65 projects resolved			No further action

\* The credit card cases have been determined to be one intervention.

## 12.2 PRODUCT SAFETY AND INFORMATION STANDARDS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADMINISTRATIVE RESOLUTIONS</b>			
Andrew Stringer (andy322)	s30	Alleged that a cot sold on Trade Me failed to meet the Product Safety Standard requirement	Warning
Bed Bath and Beyond	s30(i)	Alleged breach of the consumer information standard for children's nightwear in that children's ponchos had no permanent label attached	Warning
Mi Woollies Limited	s28, 13(j)	Alleged breach of country of origin labelling regulations in that did not have required origin labelling on footwear	Warning
Regan Golding	s30	Advertised cot for sale that failed to comply with Cot Standard Corner posts exceeded 5mm	Warning
Sun Way Trading Limited	s30	Alleged breach of the product safety standard for baby walkers	Warning
JVI Limited	s28	Alleged breach of the Consumer Information Standard in that Supplier Information Notices (SINs) were not being displayed	Warning
Choice \$2 Plus Limited	s30	Alleged trader selling hot water bottles that did not comply with Unsafe Goods Notice	Warning
Kok Sheng Low Price	s30	Alleged that trader selling baby walkers that did not comply with product safety standard	Warning
E-Thing	s30	Allegedly sold hot water bottles that did not comply with Unsafe Goods Notice	Warning
lunarzhang (Trade Me)	s30	Alleged that trader sold cots on Trade Me that did not comply with product safety standard	Warning
Sportz Swimwear NZ	s28	Alleged that the care labelling of clothing did not comply with the Consumer Information Standards	Warning
Premier Books Limited	s30	Alleged that children's blocks did not comply with product safety standard	Warning
Pagani Clothing Limited	s13(j), 28	Alleged that trader was breaching the Consumer Information Standards in that the country of origin label was false	Warning
New Zealand Geographical Shop Limited	s13(j), 28	Alleged that clothing in shop did not comply with the labelling requirement under CIS. Also misleading as to country of origin	Warning
Torpedo 7 Limited	s30	Alleged that bike failed the safety standard in that the brakes were mounted incorrectly	Warning
Multiple Online Motor Vehicle Traders	s28	Alleged various motor vehicle traders, trading through Trade Me, were not displaying SINs as required	Warning
The \$2 Shop Limited	s28	Alleged breach of product safety standards in that a lighter was not child proof	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Earthwalk Limited	s28	Allegedly selling footwear that did not display country of origin labels	Warning
Nature Baby Limited t/a Nature Baby	s28	Alleged breach of the product safety standard for children's nightwear	Warning
European Apparel Co Limited	s13(j)	Alleged failure to display country of origin labels of clothes sold	Settlement
Cheap Cars NZ Limited	s28	Alleged non-compliance with Consumer Information Standards (Used Motor Vehicles) Regulation 2003 for failing to display SINS on vehicles being offered for sale	Warning
Baby Best Buy Limited	s29	Alleged that trader was selling cots that did not comply with the product safety standard for cots	Warning
2046 International Limited	s29	Alleged intentional non-compliance with product safety standards	Warning
Nature Baby Limited	s13(j)	Alleged that trader was selling clothing that did not display country of origin labels	Warning
14 Compliance Advice Letters			
<b>LITIGATION RESOLVED</b>			
John Dudley Motors Limited t/a Capital City Cars	s28	Non-display of SIN cards as required by regulations	Litigation resolved
Marple investments Limited t/a Adelaide Motors	s28	Non-display of SIN cards as required by regulations	Litigation resolved
Carterton Auto Court Limited t/a McKenzie Motors LMVD	s28	Non-display of SIN cards as required by regulations	Litigation resolved
Kobe Cars Limited	s28	Non-display of SIN cards as required by regulations	Litigation resolved
Sunrise Motor Group Limited t/a Sunrise Motors	s28	Non-display of SIN cards as required by regulations	Litigation resolved
Leo's Leisure Products Limited t/a Notty Horse	s28(1)	Trader sold children's toys that did not comply with safety standards	Litigation resolved
Inch McLellan Motors Limited	s13(a), 28	Misleading representations in that trader represented on a SIN card that a vehicle was not imported as a damaged vehicle, when in fact it was	Litigation resolved
On Line Vehicle Auctions Limited	s28	Non-display of SIN cards as required by regulations	Litigation resolved
<b>NO FURTHER ACTION REQUIRED</b>			
8 projects resolved			No further action

## 12.3 CCCF ACT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADMINISTRATIVE RESOLUTIONS</b>			
Gilrose Finance Limited	s17, 51, 52	Alleged that creditor had failed to disclose default fees and was under-rebating debtors their credit-related insurance on full prepayment	Settlement
Financial Options Limited		Alleged that creditor charged a fee on settlement of a loan that was not disclosed in the contract	Warning
Panorama Finance Limited	s17	Alleged that creditor did not provide initial disclosure within five-day period and also that creditor charged debtor \$945 in credit fees without disclosing what these charges were for	Warning
Warkwick Taylor t/a Bankrupt Lending Limited	s17, 51, 52	Alleged that creditor had not provided initial disclosure to debtors	Warning
Chandler Cash Loans Limited	s17, 13(i)	Alleged that creditor had not made variation disclosure	Warning
Lync (NZ) Limited and others	s41, 42, 44, 17, 13	Alleged that creditor, who operated a door-to-door clothing business that provided credit to customers, did not provide initial disclosure	Warning
Asset Finance Limited	s17, 13(i)	Alleged that creditor was charging unreasonable establishment and credit fees	Warning
Red Rat Clothing Limited	s17, 54, 69	Alleged that creditor, who operated five clothing stores that provided an 'EzyPay' credit facility to customers, did not provide initial disclosure to customers	Warning
Winston's Finance and others	s17	Alleged that creditor did not provide initial disclosure that complied with the Act	Warning
Natasha Finance	s17	Alleged breach of disclosure provisions in that creditor's contracts failed to disclose some of the required information	Warning
Mr Rentals (NZ) Limited t/a Invercargill Appliance Rentals	s68	Alleged that creditor was misleading debtors as to their rights under the Credit Repossessions Act and Consumer Guarantees Act by attempting to contract out of its obligations and charging debtors an unreasonable estimate of the creditor's loss on full prepayment	Warning
Advantage Finance Limited	s41	Alleged that creditor was charging unreasonable credit fees: namely an establishment fee of \$540 and a brokerage fee of \$720; and was also charging an unreasonable estimate of creditor's loss upon full prepayment	Warning
Pay Day Finance Limited	s27, 29	Alleged that creditor has not correctly disclosed the applicable interest rate	Warning
UDC Finance Limited	s41	Alleged that creditor was charging an unreasonable brokerage fee	Warning
Property Equity Finance Limited	s17, 41	Alleged that creditor was charging unreasonable credit fees, namely a deposit finance fee	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Allied Nationwide Finance Limited	s51	Allegedly charging unreasonable credit fees	Settlement
Petone Finance Limited	s32	Allegedly providing disclosure that was not of the required standard and may have been likely to mislead the debtor with regard to material particulars of the contract	Warning
Instant Finance Limited		Alleged non-disclosure of credit fees and charges which had been applied to a consumer credit contract	Warning
Dealer Finance Limited		Alleged that creditor had not provided full initial disclosure by incorrectly disclosing the total amount of payments and the amount of interest to be paid and was illegible	Warning
East Bay Finance Limited		Alleged that creditor charged unreasonable credit fees, namely default and settlement fees, charged an unreasonable estimate of its loss upon full prepayment, failed to provide disclosure on additional 'top-up' loans to existing debtors and charged an unreasonable commission on credit-related insurance	Warning
Numeria Finance Limited and Vero Insurance New Zealand Limited		Alleged that creditor had not been passing insurance premium rebates on to debtors when credit contracts were fully prepaid	Warning
Abcom Finance Limited		Alleged that creditor was charging unreasonable establishment fees and broker fees and was not providing full initial disclosure of fees	Warning
Mutual Finance Limited		Alleged that creditor was charging an unreasonable establishment fee, an unreasonable estimate of loss upon full prepayment and an unreasonable administration fee upon full prepayment and was not providing full initial disclosure	Warning
South Canterbury Finance Limited		Alleged that creditor was charging unreasonable establishment, administration, default and full prepayment fees, and was not providing full initial disclosure with regard to fees charged to debtors	Warning
14 Compliance Advice Letters			
<b>LITIGATION RESOLVED</b>			
Galistair Enterprises Limited t/a XtraCASH Finance	s17, 39, 41, 51	Allegedly failing to make initial disclosure, charging interest in advance, charging an unreasonable credit fee and charging an unreasonable estimate of the creditor's loss upon full prepayment	Litigation resolved
Lelei Finance Limited		Alleged that creditor did not provide full initial disclosure and made false representations as to its right to enforce contracts	Litigation resolved
<b>NO FURTHER ACTION REQUIRED</b>			
5 projects resolved			No further action

## 12.4 FRAMEWORK DEVELOPMENT – FAIR TRADING ACT

INDUSTRY CODES	DESCRIPTION
Medical Council of New Zealand	Draft statement on cosmetic procedures reviewed
Australian Food and Grocery Council	Food industry guide to allergen management and labelling reviewed
Telecommunications Carriers' Forum	Review of Mobile Premium Messaging Services Code
Electricity and Gas Complaints Commission	Reviews of Electricity and Gas Consumer Codes of Practice
Ministry of Health	Review of tobacco display in New Zealand
Advertising Standards Authority	Reviewed draft Code for Comparative Advertising
Environmental Risk Management Authority	Reviewed new group standard for graphic materials
Food Standards Australia New Zealand	Reviewed consultation paper on Health and Nutrition Standard P293
Medical Council of New Zealand	Reviewed draft Patient's Guide to Cosmetic Procedures
Children's nightwear standard	Participated in Standards New Zealand review of Children's Nightwear Standard (labelling of category 2 and 3 garments)
<b>ADVICE TO OFFICIALS ON PROPOSED LAW REFORM*</b>	
New Zealand Food Safety Authority delivery of evaluation services	Provided input to New Zealand Food Safety Authority discussion paper on proposal for NZFSA to manage the delivery of evaluation services
Water Efficiency Labelling Scheme (WELS)	Liaison on policy development
Fair Trading Act review	Provided comment to Ministry of Consumer Affairs
Real Estate review	Provided comment to Ministry of Justice
Proposed amendments to the Consumer Information Standards (Used Motor Vehicles) Regulations 2003	Provided comment to Ministry of Consumer Affairs
Food Standards Australia New Zealand P293 Health and Nutrition Claims Standard	Liaison with Food Standards Australia New Zealand on content of Standard
Financial Intermediaries legislation	Liaison with Ministry of Economic Development
Australian Productivity Commission review	Provided comment to Productivity Commission
Department of Labour paper on the Content of the Register of Immigration Advisers	Reviewed paper
Ministry of Consumer Affairs review of Children's Nightwear Regulations (labelling of category 2 and 3 garments)	Provided comment to Ministry of Consumer Affairs and Standards New Zealand
Ministry of Economic Development Counterfeiting Trade Agreement	Provided comment to Ministry of Economic Development
Ministry of Economic Development draft Commerce Commission (Information Disclosure and Fees) Bill	Provided comment to Ministry of Economic Development
Unsafe Goods (Tian Mao Water Colours) Notice	Provided comment to Ministry of Consumer Affairs
Trade Marks Amendment Bill	Reviewed Bill
Food Bill	Reviewed Bill
Cabinet Paper on Management of GM in New Zealand	Provided comment to Ministry for the Environment
Energy Efficiency and Conservation Amendment Bill	Reviewed Bill

\* Includes multiple submissions on repeating issues.

INDUSTRY CODES	DESCRIPTION
<b>INTERNATIONAL INFORMATION EXCHANGE AND LIAISON*</b>	
International Consumer Protection and Enforcement Network (ICPEN)	Monthly teleconference and leadership of a working group on international scam-watch project
Fair Trading Offices Advisory Committee	Monthly teleconference
Consumer Products Advisory Committee	Monthly teleconference
Standing Committee of Officials of Consumer Affairs (SCOCA)	Attendance at meeting
Australasian Consumer Fraud Taskforce	Membership
ICPEN Conference – Santiago, Chile	Participation
ICPEN Conference and Best Practices Workshop on 26-29 November	Participation and presentation
Asia-Pacific Economic Cooperation	Provided comment on Enforcement and Administration of Regulation Best Practice Guidelines
ICPEN national annual report and activities paper	Provided input
Working Group on International Scam-watch project/SPIRE Platform project	Leadership of project
SCOCA/Ministerial Council on Consumer Affairs (MCCA)	Attendance at meeting
Fraud Awareness Week	Report and evaluation of campaign
ICPEN working group on environmental claims	Participation in international car industry sweep
Australasian Compliance Institute Conference for Regulators	Attendance

## 12.5 FRAMEWORK DEVELOPMENT – CCCF ACT

INDUSTRY CODES REVIEWED	DESCRIPTION
Nil	
<b>ADVICE TO OFFICIALS ON PROPOSED LAW REFORM*</b>	
Review of CCCF Act	Provided comment to Ministry of Consumer Affairs
Motor Vehicle Sales Amendment Act	Provided comment to Ministry of Consumer Affairs
Ministry of Consumer Affairs Consumer Credit Workshop	Participation in discussion forum
Cabinet Social Development Committee paper: Initiatives to Reduce Adverse Impacts on Fringe Money Lenders	Provided comment to Ministry of Consumer Affairs and Ministry of Social Development
<b>INTERNATIONAL INFORMATION EXCHANGE AND LIAISON*</b>	
Exploitative Credit Working Party	Participation as observer

\* Includes multiple submissions on repeating issues.

## 12.6 PUBLIC INFORMATION/EDUCATION

### MEDIA RELEASES

TOPIC	RELEASE DATE
Used car dealers fined for not displaying information cards	08 Jul 2007
The Warehouse Financial Services latest to refund hidden credit card fees	26 Jul 2007
Loan company to refund over 2,000 customers	01 Aug 2007
Blenheim car dealer to refund customers over loans	01 Aug 2007
Ezibuy's throws not pure mohair	08 Aug 2007
Commission warns truck 'shops' may be breaching credit law	10 Aug 2007
Commission investigates south Auckland credit providers	16 Aug 2007
Commission settles with real estate company, agent and developer over misleading advertising	20 Aug 2007
Test results confirm pyjamas met safety standards: Commission urges vigilance around fires and heaters	24 Aug 2007
Dell New Zealand admits breaches of Fair Trading Act	30 Aug 2007
Seventh bank to plead guilty – TSB to pay \$471,000 over credit card fees	03 Sep 2007
Jewellery trader convicted and fined over misleading advertising	12 Sep 2007
Companies warned over bacon and ham labelling	17 Sep 2007
Diners Club eighth to plead guilty over currency conversion fees	12 Oct 2007
Geneva Finance refunds customers after Commerce Commission investigation	29 Oct 2007
Discharge without conviction overturned	21 Nov 2007
Credit card users get over \$24m back	22 Nov 2007
ALT TV settles with Commerce Commission over text and competitions	26 Nov 2007
Court injunction granted against Discount Premium Holiday	28 Nov 2007
Hill & Stewart guilty of 14 charges under Fair Trading Act	30 Nov 2007
Second convictions for false and misleading claims about Probitas fertiliser	07 Dec 2007
West Auckland pawn broker ordered to repay loan customers	11 Dec 2007
'Buyer enquiry over' should not mislead	12 Dec 2007
Voluntary admission saves Kiwibank and New Zealand Post from prosecution	19 Dec 2007
Some 'all day protection' sunscreens fail to live up to claims	20 Dec 2007
Oaks Hotels fined for 'grossly misleading' advertising campaign	20 Dec 2007
When a sale is not a sale	22 Jan 2008
Cancer society asked to provide sunscreen results	11 Feb 2008
Real estate agent, and his company, admits misleading advertising	14 Feb 2008
Finance company to refund 1,200 customers	15 Feb 2008
Sunscreen companies settle with Commission	15 Feb 2008
Commerce Commission to look into Blue Chip	19 Feb 2008
Petrol station fined for misleading prices	22 Feb 2008
Septic tank cleaning company pleads guilty to misleading customers	29 Feb 2008
Telecom to be prosecuted over Go Large promotion	01 Mar 2008

TOPIC	RELEASE DATE
Fight the scammers. Don't respond. Fraud Awareness Week 3-10 March 2008	03 Mar 2008
Online car sales not exempt from obligation to display Supplier Information Notices	06 Mar 2008
Commerce Commission freezes assets associated with Wings and Wheels over Waikato	06 Mar 2008
Finance firm fined over credit contracts	20 Mar 2008
Trade Me community works with Commerce Commission to ensure cot safety	02 May 2008
False information costs Christchurch car company	13 May 2008
Placemakers admits breaching Fair Trading Act over incorrect timber labels	15 May 2008
Commerce Commission warns property company	16 May 2008
Refunds for consumers who bought bogus 'weight loss' pills	28 May 2008
Wings and Wheels over Waikato to refund ticket holders	05 Jun 2008
'Greenwashing' can be misleading - taxi company warned	06 Jun 2008
Commerce Commission urges caution over holiday vouchers	10 Jun 2008
Geneva Finance refunds customers after Commerce Commission investigation	19 Jun 2008

#### PRESENTATIONS

AUDIENCE	DATE	FOCUS/THEME	SPEAKER
New Zealand Credit and Finance Institute National Conference	25 Oct 2007	Commerce Commission: Regulation and Enforcement in the Finance Sector	Paula Rebstock
Compliance seminar for Tongan credit providers	29 Oct 2007	Presentation on CCCF Act to south Auckland based credit providers as part of a joint initiative with the Ministry of Pacific Island Affairs	Janis Adair and Jennifer Davies
Auckland District Law Society Credit Law Conference	12 Nov 2007	CCCF Act Investigations - recent findings and dealing with the Commerce Commission	Graham Gill
MCA Financial Summit on the issues of affordable credit options for consumers and how to get information to consumers	23 Nov 2007	The Commission's CCCF Act enforcement priorities and information strategy	Graham Gill
NZ Federation of Budget Services (Regional meetings)		CCCF Act - five presentations	
Bank Officers' Forum - Panel Discussions	21 Feb 2008	Issues ahead in 2008 for banks, and their compliance and complaints handling staff	Graham Gill
New Zealand Beekeeping Industry National Standard Meeting	17 Apr 2008		Yvette Popovic
Gas Industry Company Consumer Forum	19 May 2008		Yvette Popovic
Public Sector Risk Liaisons Group meeting	18 Jun 2008		Adrian Sparrow

#### PUBLICATIONS

TOPIC	RELEASE DATE
Guidelines for Broadband Suppliers	August 2007

## APPENDIX III: SOUND REGULATORY REGIMES – TELECOMMUNICATIONS

### 13.1 DETERMINATIONS LEVIABLE/COST RECOVERABLE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADMINISTRATIVE RESOLUTIONS</b>			
Unbundled Bitstream Access (UBA) Reconsideration	s55	Reconsideration of Decision 582 setting a price for the Unbundled Bitstream Service	New price of \$26.35 set
Unbundled Copper Local Loop (UCLL) Backhaul	s30	Standard Terms Determination (STD) for backhaul for the UCLL service	STD issued
UBA Backhaul	s30	STD for backhaul for the UBA service	STD issued
UBA Clarification	s58	Clarification of pricing formula	Clarification issued
Decision 612 - Number Portability Clarification No 4	s58	Confirmation that Equivalent Service included pre-pay and post-pay services	Parties to be compliant by 1 April 2008
UCLL STD	s30	Setting of price and non-price terms for the regulated unbundled copper local loop service	Access determination issued
UCLL Co-location STD	s30	Setting of price and non-price terms for the regulated unbundled copper local loop co-location service	Access determination issued
UBA STD	s30	Setting of price and non-price terms for the regulated unbundled bitstream access service	Access determination issued
<b>LITIGATION RESOLVED</b>			
Nil			

### 13.2 TSO COST ALLOCATION

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>DETERMINATIONS MADE</b>			
TSO cost allocation determination	s90	Determination showing how TSO cost is to be apportioned amongst liable persons	Final determination issued
Telecommunications Relay Service (TRS) TSO cost calculation determination	s93C	Determination showing the cost of the TRS TSO service supplied by Sprint	Final determination issued
<b>COMPLIANCE REPORTS</b>			
TSO compliance	s80	Telecom complied with service quality measures	Reported to Minister
TRS compliance	s80	Sprint complied with the TSO Deed	Reported to Minister
<b>LITIGATION RESOLVED</b>			
Nil			

### 13.3 MONITORING AND REPORTING

REPORT	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>SECTOR MONITORING REPORTS</b>			
Quarterly Monitoring Report	s9A	Report showing key telecommunications statistics	Report issued
Quarterly Monitoring Report	s9A	Report showing key telecommunications statistics	Report issued
Yearly Report	s9A	Annual report of Commission's monitoring of competition in NZ telecommunications markets and the performance and development of those markets	Report issued
Quarterly Monitoring Report	s9A	Report showing key telecommunications statistics	Report issued
Broadband Quality Report	s9A	Quarterly report of broadband performance based on service quality testing undertaken by Epitiro	Report issued
<b>OPERATIONS SEPARATION MONITORING REPORTS</b>			
Nil			
<b>ACCOUNTING SEPARATION REPORTS</b>			
Nil			
<b>INFORMATION DISCLOSURE REPORTS</b>			
Nil			

### 13.4 ENFORCEMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADMINISTRATIVE SETTLEMENTS</b>			
Nil			
<b>LITIGATION RESOLVED</b>			
Nil			
<b>NO FURTHER ACTION REQUIRED</b>			
Nil			

### 13.5 CODE APPROVAL DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>INDUSTRY CODES APPROVED</b>			
Nil			

### 13.6 REPORTS TO MINISTERS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>REPORTS TO THE MINISTER</b>			
Mobile co-location	Schedule 3 and 3A	Investigation into whether or not to move the co-location service from a specified to a designated service	Recommendation to retain co-location as a specified service. The Commission has launched a standard terms development process to set the non-price terms of the service
Mobile roaming	Schedule 3	<p>The Commission recommended to the Minister that the terms of the national roaming service should be amended in the following manner:</p> <ul style="list-style-type: none"> <li>→ removing the restriction to second generation cellular mobile services and making the service technology neutral by allowing all technologies as long as both the access seeker and the access provider have deployed similar technologies;</li> <li>→ clarifying the initial coverage area requirement to comprise 100 sites or coverage of no less than 10% of the population, whichever is lower;</li> <li>→ reducing the roll-out requirement from national coverage to 65% of the New Zealand population; and</li> <li>→ reducing the spectrum requirement from national coverage to a network that covers 65% of the population.</li> </ul> <p>The Commission recommended against designating the service</p>	

### 13.7 FRAMEWORK DEVELOPMENT

ISSUE	DESCRIPTION
<b>FRAMEWORK-SPECIFIC REPORT FOR ACCOUNTING SEPARATION</b>	
Nil	
<b>ADVICE TO OFFICIALS ON PROPOSED LAW REFORM</b>	
TSO Review	Review by Minister of Communications of current regulatory settings for the TSO
Completion of liaison with MED in relation to operational separation	The Commission has worked closely with MED while the Minister has developed the Operational Separation Undertakings with Telecom. The Commission has given advice on implementation issues during this period, and reviewed drafting of the Minister's Determination and Telecom's undertakings
Submission to Ministry of Culture and Heritage on Digital Broadcasting Review	

ISSUE	DESCRIPTION
<b>INTERNATIONAL INFORMATION EXCHANGE AND LIAISON</b>	
Meetings with Office of Communications, Openreach, British Telecom and the European Competitive Telecommunications Association	Meetings with regulatory and industry bodies – focus on operational separation experience in Europe
OECD Information and Communication Technology Unit	International Telecommunications Union – Telecommunications Commissioner attended ITU conference in Bangkok
ApecTel	Telecommunications Commissioner attended ApecTel meeting in Tokyo

### 13.8 PUBLIC INFORMATION/EDUCATION

#### MEDIA RELEASES

TOPIC	RELEASE DATE
Telecommunications Act: Commerce Commission releases draft Telecom TSO cost calculation for 2004/05 and 2005/09	09 Jul 2007
New bitstream access price for CallPlus and Ihug	11 Jul 2007
New Telecommunications Commissioner begins five-year term	12 Jul 2007
Commission receives proposal from Telecom for unbundled bitstream access standard terms determinations	13 Jul 2007
Draft determinations for unbundled local loop	31 Jul 2007
Draft report issued on regulation of mobile roaming and co-location service	03 Aug 2007
Commission issues draft determination for unbundled bitstream access service	29 Aug 2007
Advisory – Commission releases June quarterly report on telecommunications markets	07 Sep 2007
Commission reports to Minister on Telecom's service obligations	10 Sep 2007
Conferences next step in telecommunications regulatory process	18 Sep 2007
Commission reports to Minister on Sprint's compliance with Service Quality Measures for Relay	02 Oct 2007
Draft determinations released	30 Oct 2007
Final determinations for unbundled local loop	07 Nov 2007
Commission releases September quarterly report on telecommunications markets	05 Dec 2007
Final determinations for unbundled bitstream access	13 Dec 2007
Final report issued on the regulation of co-location services	14 Dec 2007
Commission clarifies Number Portability Determination	20 Dec 2007
Standard terms determination processes initiated for the sub-loop related services	21 Dec 2007
Standard terms process for co-location on cellular transmission sites	21 Dec 2007
Final determinations released	21 Dec 2007
Guidelines to interrelationship between Commerce and Telecommunications Act issued	31 Jan 2008
Draft standard terms released for local loop and bitstream backhaul services	08 Feb 2008
Next step underway for mobile co-location standard terms determination	15 Feb 2008

TOPIC	RELEASE DATE
Telecommunications Commissioner launches study into Next Generation Networks issues	06 Mar 2008
Next step underway for sub-loop-related services	10 Mar 2008
Final report issued on regulation of mobile roaming	11 Mar 2008
Telecom applies for clearance to renew radio spectrum management rights	07 Apr 2008
Commission releases 2007 telecommunications market monitoring report	10 Apr 2008
Telecom cleared to renew radio spectrum management rights	11 Apr 2008
Commerce Commission considers 0867 High Court judgment	18 Apr 2008
Telecommunications Act: Commerce Commission releases Revised Draft Telecom TSO cost calculation for 2004/05	13 May 2008
Commerce Commission appeals 0867 High Court judgment	19 May 2008
Next Generation Network study terms of reference announced	20 May 2008
Commerce Commission releases Revised Draft TSO cost calculation for 2005/06	26 May 2008
Commerce Commission to conduct Telecommunications Numbering Management Study	06 Jun 2008
Commission releases March quarterly report on telecommunications markets	12 Jun 2008
Commerce Commission releases first report on broadband quality	15 Jun 2008
Commission releases draft paper on accounting separation of Telecom	20 Jun 2008
Telecommunications Commissioner consults on Next Generation Networks study	23 Jun 2008
Final determinations for backhaul services	27 Jun 2008

#### PRESENTATIONS

AUDIENCE	DATE	FOCUS/THEME	SPEAKER
Vector Winter Lecture	24 Oct 2007	Future Landscape of Telecommunications	
GSMA Mobile Asia Conference	13 Nov 2007	Presentation to Regulators' Forum	
Lexis Nexis E-Law Conference	18 Feb 2008		Ross Patterson
8th Annual Competition Law and Regulation Review	19 Feb 2008		Ross Patterson
TUANZ After5's	17-19 Mar 2008		Ross Patterson/ Osmond Borthwick
TUANZ Telecommunications Day Wellington	08 May 2008		Ross Patterson
9th Annual Telecommunications and ICT Summit Auckland	23-24 Jun 2008	Convergence and NGNs: Challenges in an All IP World	Ross Patterson

#### PUBLICATIONS

Nil			
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## APPENDIX IV: SOUND REGULATORY REGIMES – ELECTRICITY

### 14.1 ASSESSMENT OF PERFORMANCE THRESHOLD COMPLIANCE STATEMENTS

CASE	DATE	DESCRIPTION	RESOLUTION
<b>COMPLIANCE STATEMENTS ASSESSED</b>			
Nil			

### 14.2 THRESHOLD INQUIRIES

CASE	DATE	DESCRIPTION	RESOLUTION
<b>POST-BREACH INQUIRIES - NO FURTHER ACTION</b>			
15 decisions not to declare control		Decisions not to declare control published in relation to 29 threshold breaches	No further action
Transpower Limited	13 May 2008	Decision not to declare control and determination to accept the Administrative Settlement Proposal and establish three new thresholds	No further action
Vector Limited	30 May 2008	Decision not to declare control and determination to accept the Administrative Settlement Proposal	No further action
<b>DETERMINATIONS TO DECLARE CONTROL</b>			
Nil			
<b>AUTHORISATIONS OF PRICE, REVENUE OR QUALITY</b>			
Nil			
<b>LITIGATION RESOLVED</b>			
Nil			

### 14.3 FRAMEWORK DEVELOPMENT

ISSUE	DESCRIPTION
<b>ADVICE TO OFFICIALS ON PROPOSED LAW REFORM</b>	
Parts 4, 4A, 5 Review	Submission on discussion paper
Appendix B of the Cabinet Paper on Parts 4, 4A, 5 Review	Submission to officials
Commerce Amendment Bill	Submission to Select Committee
<b>INTERNATIONAL INFORMATION EXCHANGE AND LIAISON</b>	
Meeting with the CEO of Australian Energy Regulator (AER) and the Head of Regulatory Economics of the ACCC in Hobart, Australia	
Utility Regulators' Forum Meeting, Hobart, Australia	
Energy Regulatory Commission, The Philippines	

ISSUE	DESCRIPTION
<b>THRESHOLD RESET</b>	
Nil	
<b>LITIGATION RESOLVED</b>	
Unison	

### 14.4 PUBLIC INFORMATION/EDUCATION

#### MEDIA RELEASES

TOPIC	RELEASE DATE
Supreme Court affirms Commission's electricity threshold decisions	10 Sep 2007
Review of 2006/07 electricity asset management plans	01 Oct 2007
Commerce Commission consults on its draft decisions to accept an administrative settlement offer from Transpower	05 Oct 2007
Commission consults on Vector's proposed settlement offer to rebalance prices	14 Dec 2007
Commission publishes discussion document on resetting thresholds for electricity distribution businesses from 2009	19 Dec 2007
Review of electricity distribution businesses 2007/08 asset management plans	20 Mar 2008
Commerce Commission accepts Transpower's administrative settlement offer	13 May 2008
Greater certainty for regulated businesses	23 May 2008
Commerce Commission accepts settlement proposal from Vector	30 May 2008
Commission publishes Methodology Paper: Update on resetting thresholds for electricity distribution businesses from 2009	25 Jun 2008

#### PRESENTATIONS

AUDIENCE	DATE	FOCUS/THEME	SPEAKER
9th Annual National Energy Summit	13-15 Aug 2007		Michael Clark
Reserve Bank		Presentation on Energy	
Electricity Networks Association AGM	12 Oct 2007	The Role of the Commission in Regulation	
Utility Regulators' Forum	02 Nov 2007	Assessing Regulated Business Performance	
New Zealand Council for Infrastructure Development Building Nations Symposium	07 Nov 2007	(Panel presentation)	Michael Clark
Electricity Networks Asset Management Summit	20 Nov 2007	Commission update	Michael Clark
10th Annual Energy Summit	26-28 Feb 2008	Update on Commission activities	Michael Clark
Energy Regulatory Commission, The Philippines	18 Mar 2008		
Electricity Network Association CEO's meeting	19 Jun 2008	Threshold Reset	Michael Clark

## PUBLICATIONS

TOPIC	RELEASE DATE
Memorandum of Understanding and Protocol between Electricity Commission and Commerce Commission	16 Aug 2007
Asset Management Plan Comparative Summary and Analysis 2006/07	01 Oct 2007
Discussion document on Resetting Thresholds	19 Dec 2007
Discussion document on Revised Information Disclosure Requirements	20 Dec 2007
Article for ACCC Network Publication	20 Mar 2008
Asset Management Plan - Comparative Summary and Analysis 2007/08	20 Mar 2008
Update on review of Information Disclosure Regime	31 Mar 2008
Information Disclosure Process Paper	30 Apr 2008
Information Disclosure Amendment Requirements	30 Apr 2008
Transpower Decision not to Declare Control and to Accept the Administrative Settlement Proposal	13 May 2008
Process Paper for Regulatory Principles and Guidelines	23 May 2008
Vector decision not to declare control and to accept the administrative settlement proposal	30 May 2008
15 reasons for not declaring control on the Electricity Lines Business	06 Jun 2008
Methodology Paper: Update on resetting thresholds for electricity distribution businesses from 2009	25 Jun 2008
<b>DISSEMINATION OF INDUSTRY INFORMATION</b>	
Nil	

## APPENDIX V: SOUND REGULATORY REGIMES – GAS

## 15.1 DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>PROVISIONAL AUTHORISATIONS</b>			
Nil			
<b>FINAL AUTHORISATIONS/UNDERTAKINGS</b>			
Nil			
<b>LITIGATION RESOLVED</b>			
Nil			

## 15.2 ASSESSMENT OF COMPLIANCE WITH AUTHORISATIONS/UNDERTAKINGS

<b>COMPLIANCE STATEMENTS ASSESSED</b>			
4 quarterly compliance statements			

## 15.3 FRAMEWORK DEVELOPMENT

ISSUE	DESCRIPTION
<b>ADVICE TO OFFICIALS ON PROPOSED LAW REFORM</b>	
Nil	
<b>INTERNATIONAL INFORMATION EXCHANGE AND LIAISON</b>	
Nil	

## 15.4 PUBLIC INFORMATION/EDUCATION

## MEDIA RELEASES

TOPIC	RELEASE DATE
Commerce Commission proposes further price reductions for controlled gas distribution businesses	04 Oct 2007

## PRESENTATIONS

AUDIENCE	DATE	TOPIC/THEME	SPEAKER
5th Annual National Gas Forum	August 2007		

## PUBLICATIONS

TOPIC	RELEASE DATE
Authorisation for the Control of Supply of Natural Gas Distribution Services by Powerco and Vector Limited - Draft Decisions Paper	04 Oct 2007
Draft Decisions Paper - Pricing Principles, Guidelines and Reporting Requirements	07 Dec 2007

## APPENDIX VI: SOUND REGULATORY REGIMES – DAIRY

### 16.1 DAIRY INVESTIGATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADMINISTRATIVE SETTLEMENTS</b>			
Nil			
<b>LITIGATION RESOLVED</b>			
Nil			
<b>NO FURTHER ACTION REQUIRED</b>			
Nil			

### 16.2 DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>DETERMINATIONS MADE</b>			
Nil			
<b>LITIGATION RESOLVED</b>			
Nil			

### 16.3 FRAMEWORK DEVELOPMENT

ISSUE	DESCRIPTION
<b>ADVICE TO OFFICIALS ON PROPOSED LAW REFORM</b>	
DIR Act Raw Milk Regulations	Submission on the proposed changes to the DIR Act Raw Milk Regulations

### 16.4 PUBLIC INFORMATION/EDUCATION

#### MEDIA RELEASES

AUDIENCE	RELEASE DATE
Commission making inquiries into dairy pricing	22 May 2008

#### PRESENTATIONS

Nil		
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#### PUBLICATIONS

Nil	
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