

2009/2010 ANNUAL REPORT



APPENDICES

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APPENDIX I - COMPETITIVE MARKETS

11.1 MARKET STRUCTURE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
SCREENING INVESTIGATIONS			
GUD Holdings Limited/ Breville Group Limited	s47	Proposed acquisition	No further action
Cargill Australia Limited/ Goodman Fielder Limited	s47	Proposed acquisition	No further action
Wilson Parking NZ (Auckland)	s47	Completed acquisition	No further action
MERGERS - FULL INVESTIGATIONS			
Nil			
EIR ACT INVESTIGATIONS			
Nil			
LITIGATION RESOLVED			
Nil			

11.2 COORDINATED BEHAVIOUR

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
SCREENING INVESTIGATIONS			
Auckland Towing Roster Consortium	ss27, 36	Alleged continuing anti-competitive behaviour in the towing industry	No further action
Rugby World Cup 2011 Broadcasting Rights	s27	Alleged anti-competitive agreement between television broadcasters	No further action
BP Independents Credit Card Surcharging	s30	Alleged price fixing	No further action
Freight Transport	s30	Alleged price fixing	No further action
FULL INVESTIGATIONS			
Electricity Collusive Investigation (Cobb)	s30	Alleged bid-rigging behaviour by Contact Energy Limited and TrustPower Limited related to the purchase by tender of the Cobb power station, near Nelson, from Natural Gas Corporation in 2002	Warning issued to Contact Energy Limited and TrustPower Limited
Electricity - Winter 2008	s30	Alleged collusive activity between electricity retailers with regard to the withdrawal of incentives to save energy during a 'dry' winter	No further action
Semenoff Sand Supplies Limited	s27	Alleged anti-competitive agreement between two major sand suppliers in the Northland region	No further action
LED Lights	s80	Alleged attempted price fixing	Warning
New Zealand Society of Physiotherapists Inc.	s30	Alleged price fixing	Compliance advice

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Phonographic Performances New Zealand Limited (PPNZ)	s27	Alleged anti-competitive agreement between New Zealand's central copyright licensor and major copyright owners of sound recordings and music videos	Settlement
Flexible alternating current transmission systems (FACTS)	s30	Alleged agreements between overseas suppliers to rig tenders	No further action
Wine industry - 2009 and 2010 vintage	s30	Alleged collusion to control prices of wine by limiting the size of the wine grape harvest and winery intake	Compliance advice
Gisborne farmers' market	s30	Collusion to control prices of fruit at the Gisborne farmers' market	Settlement
Napier motels	s30	Alleged collusion not to discount	Compliance advice
Hamilton bars	s30	Alleged collusion to introduce a cover charge and to not discount prices at weekends	Compliance advice
LITIGATION RESOLVED			
Interchange: → Visa International Service Association and Visa Worldwide Pte Limited → MasterCard International Incorporated → ANZ National Bank Limited → ASB Bank Limited → Bank of New Zealand → Kiwibank Limited and New Zealand Post Limited → TSB Bank Limited → The Warehouse Financial Services Limited → Westpac New Zealand Limited	ss27, 30	Alleged agreements between banks and card schemes to set the amount of the interchange fee and provide the rules of operation of card schemes, limiting entry into the card services market and other related provisions, thereby controlling the level of the merchant service fee paid by retailers	Settlement
Wood Chemicals - Koppers Arch	ss27, 30	Breach of s27 and s27 via s30 in the timber preservatives industry by sharing prices, price fixing, collusion, and bid rigging by four companies and seven executives during a four-year period from 1998	Discontinued after penalties

11.3 UNILATERAL CONDUCT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
SCREENING INVESTIGATIONS			
Medtech Global Limited	s36	Access pricing for interconnection to software for exchange of medical information between health providers	Closed under enforcement criteria, further investigation not justified. Advocacy discussions to be undertaken with Ministry of Health to avoid similar issues in future
Karen Walker Jewellery	s37	Alleged retail price maintenance	No further action
Tauranga Cranes	s36	Alleged predatory pricing conduct by Pollock and Sons Crane Hire Limited in that it was alleged Pollock and Sons was pricing mobile crane hire below cost in Tauranga and Kawerau in order to drive competitors out of business, with the intention of increasing prices to customers in the future	No further action
Chatham Islands Enterprise Trust	s36	Alleged use of Market Power in the retail market for diesel on Chatham Islands	No further action
Telecom New Zealand Limited	ss27, 36	Alleged use of Market Power - wholesale loyalty discounts for broadband and Auckland residential lines	No further action (NB: Although no further action will be taken under the Commerce Act, the Commission is dealing with this matter through the Telecommunications Act)
Vodafone Talk Add-On	s36	Screening investigation into the possible anti-competitive effects of the Talk Add-On. The investigation was discontinued when the behaviour in question was discontinued	No further action
FULL INVESTIGATIONS			
Electricity s100	s36	Suspected leak of confidential information from the electricity report provided to gentailers and government departments	Closed under enforcement criteria, no further action
New Zealand Post new access regime for addressed mail	s36	Submission provided to New Zealand Post regarding its proposed new access regime for addressed mail, which in the Commission's view could put New Zealand Post at risk of breaching the Act in some situations	Compliance advice
LITIGATION RESOLVED			
Nil			

11.4 DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
CLEARANCE DECISIONS			
Simply Squeezed Holdings Limited and/or Brownlee Brothers Limited/Frucor Beverages Limited (Routine)	s66	Application seeking clearance	Clearance granted
Schering-Plough Corporation/Merck & Co Incorporated (Complex)	s66	Application seeking clearance	Clearance granted
Pfizer Incorporated/Wyeth Corporation t/a Fort Dodge Animal Health (Complex)	s66	Application seeking clearance	Clearance granted
Hoyts Corporation Holdings (NZ) Limited/Berkeley Cinema Group	s66	Application seeking clearance	Clearance granted
Novartis AG/Alcon Inc.	s66	Application seeking clearance	Clearance granted
Preformed Line Products Company/Electropar Limited	s66	Application seeking clearance	Clearance granted
Tomarata Sand Limited/Coastal Resources Limited	s66	Application seeking clearance	Clearance granted
AMP Limited/AXA Asia Pacific Holdings Limited	s66	Application seeking clearance	Clearance granted
AUTHORISATIONS			
Nil			
EIR ACT EXEMPTIONS			
Joan Withers	s17	Application for exemption from prohibited involvements due to directorships of AIAL and Mighty River Power	Exemption granted with conditions
Marko Bogoievski	s17	Application by Marko Bogoievski for exemption from the application of the EIR Act in respect of certain prohibited involvements that would result from his position as a Director of TrustPower Limited and his appointment to the position of Director of Auckland International Airport Limited	Exemption granted with conditions
Mark Tume	s17	Application by Mark Tume for exemption from the application of the EIR Act in respect of certain prohibited involvements in Powerco Limited's lines and in the generation and sale of electricity by TrustPower Limited	Exemption granted with conditions

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
James Peters	s17	Temporary exemption granted while the Commission investigated electricity retail competition on customer networks. Case remained open with the intention of granting a permanent exemption	Case closed - proposed major amendments to the EIR Act will mean the exemption is no longer required. This, together with the fact that a temporary exemption is in place, led to decision to close the case due to low risk and inefficient use of resources
LITIGATION RESOLVED (APPEALS)			
Nil			

11.5 FRAMEWORK DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
DEVELOPMENT OR REVIEW OF GUIDELINES, INDUSTRY CODES OR FRAMEWORKS - COMMERCE ACT			
Mergers and Acquisitions: Supplementary Guidelines on Failing Firms		Guidelines for businesses and their advisors on how the Commission will treat applications for clearance that claim an otherwise potentially anti-competitive merger or acquisition should be cleared by the Commission because one or more of the parties is failing, or has a failing division, and its assets will otherwise leave the market	
Cartel Leniency Policy and Cooperation Policy review		Updated policy to encourage self-reporting of cartels and cooperation with cartel investigations	
Mergers and Acquisitions - Divestment Remedies Guidelines		Guidelines on how the Commission deals with divestment proposals relating to applications for the clearance or authorisation of business acquisitions	
Updated authorisation application form		Update of existing application forms for authorisations and creation of new forms suitable for the streamlined authorisation process	
DEVELOPMENT OR REVIEW OF GUIDELINES, INDUSTRY CODES OR FRAMEWORKS - EIR ACT			
Nil			
ADVICE TO GOVERNMENT AGENCIES - COMMERCE ACT			
MFE Product Stewardship Schemes	ss27, 30, 31, 32, 33	Internal guideline for Ministry for the Environment staff on the interaction between the Waste Minimisation Act 2008 and the Commerce Act 1986	
Ministry of Health		Advice on Commerce Act for primary health organisations	

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
INTERNATIONAL INFORMATION EXCHANGE AND LIAISON - COMMERCE ACT			
OECD October 2009 Competition Committee	ss47, 66	Submission on how the Commerce Commission deals with failing firm arguments in merger analysis	Paper submitted to OECD for discussion
ICN		Survey on cartel case initiation	
ICN		Survey on refusal to deal	
Euromoney Handbook		Annual update on Commission's competition work	
ICN		Survey on cartel enforcement over the last decade	
ICN		Survey on digital evidence gathering	
ICN		Attendance at Cartels Working Group meeting	
ICN		Cartel Case Initiation Chapter	
ICN Annual Conference		Attended conference	
Contribution to Global Competition Review		Completion of annual survey that the Global Competition Review uses to rate the performance of competition authorities in enforcing their competition laws	
Moderation of ICN workshop on cartel outreach and advocacy		Moderated workshop at Annual ICN Conference	
OECD Competition Meeting		Attended meeting	

11.6 PUBLIC INFORMATION/EDUCATION

MEDIA RELEASES

TOPIC	DATE
Frucor applies for clearance to acquire Simply Squeezed	7/07/2009
Commerce Commission consults on 'failing firms' guidelines	9/07/2009
Statement of preliminary issues available for Frucor Beverages Limited clearance application	23/07/2009
Commerce Commission considers Court of Appeal 0867 decision	4/08/2009
Commerce Commission and Visa reach agreement to settle credit card interchange fee proceedings	12/08/2009
Pfizer granted clearance to acquire Wyeth	20/08/09
Schering-Plough granted clearance to merge with Merck	20/08/09
Commerce Commission and MasterCard agree to settle credit card interchange fee proceedings	24/08/2009
Frucor Beverages cleared to acquire Simply Squeezed	25/08/2009
Commerce Commission publishes draft revised leniency policy	3/09/2009
Commerce Commission seeks leave to appeal 0867 case to Supreme Court	1/09/2009
Credit card settlements lower New Zealand business costs	5/10/2009

TOPIC	DATE
Telecom blocked competition in high-speed data transmission markets	14/10/2009
'Failing firm' guidelines issued by Commerce Commission	30/10/2009
Energy companies warned over alleged anti-competitive behaviour	24/11/2009
Draft divestment guidelines released for consultation	3/12/2009
Commerce Commission watching retailers' credit card surcharges	12/01/2010
Trade Me seller warned against anti-competitive behaviour	3/02/2010
Cartel leniency policy updated by Commerce Commission	1/03/2010
Hoyts NZ applies for clearance	17/03/2010
Commerce Commission closes investigation into music copyright holders	1/04/2010
Novartis AG applies for clearance	1/04/2010
Tomarata Sand applies for clearance to acquire Coastal Resources	13/04/2010
Supreme Court overrules Commission's ability to pursue overseas residents	16/04/2010
Hoyts granted clearance to buy Berkeley exhibition business	21/04/2010
Statement of preliminary issues available for Tomarata Sand's clearance application	26/04/2010
Gisborne Farmers Market agrees to remove pricing rule	28/04/2010
AMP applies for clearance to acquire AXA Asia Pacific	3/05/2010
Novartis granted clearance to acquire 52.15% shareholding in Alcon	6/05/2010
Preformed Line Products applies for clearance	20/05/2010
Divestment guidelines released	4/06/2010
AMP granted clearance to buy AXA's Australian and New Zealand businesses	21/06/2010
Scandinavian Tobacco applies for clearance to acquire Swedish Match	22/06/2010
Preformed Line Products granted clearance to buy Electropar	24/06/2010
Tomarata Sand granted clearance to acquire Coastal Resources	25/06/2010

MEDIA RELEASES – EIRA

TOPIC	DATE
Commerce Commission receives application for EIR Act exemption from Marko Bogoievski	28/09/2009
Electricity Industry Reform Act: Commerce Commission grants exemption to Marko Bogoievski	29/10/2009
Electricity Industry Reform Act: Commerce Commission grants exemption to Mark Tume	16/11/2009

PRESENTATIONS

EVENT	DATE	TOPIC	SPEAKER
Competition Law and Policy Workshop (CLIPNZ)	8/08/2009	Multi-Party Representation and COI	Peter R Taylor
Brightstar's 10th Annual Competition Law and Regulation Review Conference	22/02/2010	Annual Update on Competition and Regulatory Law in New Zealand	Dr Mark Berry
Brightstar's 10th Annual Competition Law and Regulation Review Conference	22/02/2010	Criminalisation of Cartels in Australia - Should New Zealand Follow their Lead?	Ben Hamlin
Business Roundtable Retreat at Formosa, Auckland	5/03/2010	Annual Update on Competition and Regulatory Law in New Zealand	Dr Mark Berry
15th Annual Cards and Payments Australasia	15/03/2010	A Review of the Interchange Fee Regime in New Zealand	Peter R Taylor
ICN Annual Conference	29/04/2010	Moderation of ICN Workshop on Cartel Outreach and Advocacy	David Peddie
Retail Australasia Summit	19/05/2010	Ensuring Customer Centric Competition Regulation in Retailing	Kate Morrison
KPMG Chairman's Forum Lunch	21/06/2010	(Guest speaker)	Dr Mark Berry
Consultation meetings with competition lawyers	10/06/2010 11/06/2010	Stakeholder Engagement on Internal Process Improvements Related to Improving the Efficiency and Effectiveness of s98 Notices	Grant Chamberlain Barrie Sutton David Chrystall

PUBLICATIONS

TITLE	RELEASE DATE
Mergers and Acquisitions: Supplementary Guidelines on Failing Firms	30/10/2009

11.7 REPORTS TO THE MINISTER

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
REPORTS TO THE MINISTER			
Nil			

APPENDIX II - INFORMED CONSUMERS

12.1 FAIR TRADING

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
INVESTIGATIONS COMPLETED			
E-Gas Limited	s13(g), (j)	Alleged that E-Gas misrepresented to consumers their rights to change gas suppliers and reasons for price increases in the gas supply	Warning
Harvey Norman Stores (NZ) Pty Limited; Noel Leeming Group Limited t/a Noel Leeming; Leeming Group Limited t/a Bond and Bond	s13(g)	Alleged misleading representation that goods can be purchased interest free when in fact customers can negotiate a cash discount meaning that the difference is in effect interest	Warning
The Stop Smoking Clinic	s13(b)	Alleged misleading representations as to the effectiveness and characteristics of a treatment for stopping smoking	Warning
Evergreen Life (NZ) Limited	s13(j)	Alleged misleading representations on the labelling of the products about country of origin	Warning
Warehouse Stationery Limited Samsung Electronics Pty Limited	ss11, 13(g)	Alleged misrepresentation in relation to the availability of a free return airfare to Australia via redemption process	Warning
Hampsta NZ Limited	s17	Alleged misleading representations in relation to a competition in that there was only a very small chance that advertised \$1 million prize would be won by anyone	Warning
Canterbury Tours Limited t/a Five Dollar Bus	s13(g)	Alleged headlines advertising misrepresents the true cost	Warning
ANZ National Bank Limited t/a NZ Financial Advisory Service	s13(b), (e)	Alleged misrepresentations in relation to the characteristics of goods arising from claims that the trader's credit card product is a low-interest product; however, the interest rate applicable to cash advances is the same as standard credit cards available	Warning
Armenian Imports Limited	s13(a)	Alleged misrepresentation that a product is blackcurrant juice	Warning
New Image International Limited	s13(j)	Alleged misrepresentation that a product is New Zealand made, when 30% comes from overseas	Warning
Nga Uri O	s13(b), (e)	Alleged misleading representation as to the trader's ability to help consumers facing mortgagee sales in that all the trader does is place a caveat over a property thus slowing the process, not stopping it or helping the consumer	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Westpac NZ Limited	ss11, 13(i)	Alleged that bank represented that fixed term deposits of up to five years were covered by the New Zealand Deposit Guarantee Scheme when in fact the scheme expires in October 2010	Warning
Professional New Zealand Limited	s13(g)	Alleged that trader is advertising a continuous sale	Warning
Cuisine Market Limited	s13(j)	Alleged that trader is misleading as to country of origin on olive oil product	Warning
Urban Living Carpet	s13(g)	Alleged misleading representations of prices, in that prices have been inflated to cover the represented discounts	Warning
Camera House Limited	s13(g)	Alleged that trader is misleading consumers about price of goods	Warning
The Best Souvenirs Company Limited	ss10, 13(a)	Alleged that IgG level and colostrum in its products, sold under the Midas Health brand, are falsely represented on label	Warning
Comvita New Zealand Limited	ss10, 13(j)	Alleged that trader represents that the nature of New Zealand and trader's international brand is heavily built on New Zealand's image as the unspoilt source of natural health products. Also claims trader's products are manufactured in our plant located in the BOP region of New Zealand. Trader's product Olive Leaf Complex is grown and produced near Brisbane, Australia. ss10, 13(j)	Warning
Sky Network Television Limited	s13(g)	Alleged that trader is misleading consumers about the price of service	Warning
Inghams Enterprises (NZ) Pty Limited	s13(a)	Alleged that trader was liable to mislead the public in relation to GM claims, when the feed supplied to chickens contained genetically modified ingredients	Warning
Musicthingz	s13(i)	Allegation that trader is misleading consumers in relation to their rights under the Consumer Guarantees Act	Warning
Dick Smith Electronics (NZ) Limited	s13(a)	Alleged that trader misled consumers in regard to second-hand computers which were being sold as new	Warning
Reading Cinemas	s13(g)	Alleged that trader is misleading consumers about the price of goods by charging a booking fee with each ticket that cannot be avoided	Warning
Flight Centre (NZ) Limited	s13(g)	Alleged that trader is misrepresenting the true price of flights to Thailand by failing to incorporate a local tax in the headline price which more than doubles the advertised price	Warning
Salutations Pty Limited t/a Sean Sheep	s13(a)	Alleged that trader is misrepresenting synthetic yarn as wool	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Cantharis Limited t/a Just Perfume	ss10, 13(g)	Alleged that trader is misleading consumers in relation to savings by quoting incorrect recommended retail prices	Warning
Perfume Direct NZ Limited	ss10, 13(g)	Alleged that trader is misleading consumers in relation to savings by quoting incorrect recommended retail prices	Warning
Fragrance Direct	ss10, 19(1)(b)	Alleged trader failed to provide goods that were ordered and paid for, advertising products not available	Warning
Drapac Group Limited t/a Drapac Limited	ss13(a), 13(j)	Alleged that dietary supplement product is imported and sold not true to label and that label contains representation 'Drapac New Zealand Natural Healthcare', when not all products with this label are manufactured or made in New Zealand	Warning
Wan Fang Group Limited t/a Health Life Products	s13(a)	Alleged that dietary products manufactured and sold under trader label are not true to packing representations	Warning
Telecom Corporation of New Zealand Limited and Xtra Limited	s13(g)	Alleged misleading consumers by wrongly billing over 130,000 new broadband customers	Settlement \$9.5 million in refunds paid to affected customers.
Chrisco Hampers Limited	s13(b)	Alleged misleading representation as to the characteristics of the trader's pre-paid debit card; representations as to the security of the customers' funds are misleading	Warning
Flight Centre (NZ) Limited	s19	Alleged bait advertising of airfares from Christchurch to Invercargill and return	Warning
Call Plus Services Limited t/a Slingshot	s13(c)	Alleged misleading representations to consumers that they had agreed to switch to Slingshot	Warning
Holland Landscaping & Gardening Services Limited	s13(g)	Alleged trader is making claim of endorsement to a certification scheme which does not exist	Warning
Telecom Corporation of New Zealand Limited	s13(a)	Alleged false or misleading representations in that sold a second-hand phone as new	Warning
Vodafone NZ Limited	s13(b)(i)	Alleged misleading representations in that complainants purchased a new cell phone and SIM card; however, subscriber services were already attached to those prepay numbers; also alleged misleading advice to complainants that issue was not trader's responsibility	Warning
Noel Leeming Group Limited	s13(i)	Alleged misleading consumers as to their rights under Consumer Guarantees Act	Warning
Genesis Energy Limited t/a Genesis Energy	s13(g)	Alleged that small print qualifies the offer of '\$180 off your annual gas bill'; small print states that offer only applies to new residential natural gas customers 6 July-31 October 2009	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Teleuniqué NZ Limited	s13(b)	Alleged false or misleading representations in that advertised 200 minutes of calling time to South America but in fact calling time was much less than that	Warning
Layaway Holidays Limited	s13(i)	Alleged trader is misleading consumers with regard to a guarantee that deposited funds are secured by a third party	Warning
Fonterra Brands NZ Limited	s17	Alleged trader is misleading consumers about gifts/prizes	Warning
Borders (Red Group Retail)	s17	Alleged trader is making misleading representations about a promotional offer	Warning
Supre NZ Limited	s13(g)	Alleged misrepresentation in relation to price of goods arising from situation where label attached to garment indicated a sale price of \$19.00, but, the point of sale price indicated was \$29.00	Warning
Otis Elevator Company Limited	s13(a)	Alleged trader is engaging in green washing	Warning
Asap Plumbing Gas & Drainage Limited	s13(g)	Alleged misleading advertising with regard to price	Warning
Leisure Active Pty Limited t/a Insulation by Container	s13(e)(f)	Alleged trader is advertising that insulation product is for use in EECA Warm Up NZ Heat Smart programme, when it is not approved for use. Further, website has a related link to seemingly a BRANZ report that was not prepared for trader	Warning
Wireless Future Limited	s13(b)	Alleged misleading representations as to the trader providing SIM card that enabled users to make cheap calls on mobile networks, in that the product did not work and the trader did not supply free promotional mobile phones	Warning
Brand Developers Limited t/a TV Shop	ss10, 13(g)	Alleged that trader offered 'buy one get one free' for \$49.95 (worth \$280), but the product was only supplied in a two pack and the regular price at pharmacies is \$49.95	Warning
Reader's Digest Association Inc NZ	s13(c)	Alleged misleading representations that customers had agreed to acquire goods or services	Warning
NZ Healthy Naturally Limited	s13(a)	Alleged misleading representations as to quality of honey	Warning
Fragrance Holdings Limited t/a Les Floralties	s13(a)	Alleged that trader's use of the word 'organic' in its name gives a misleading impression that a product is organic when it only contains a small proportion of organic ingredient	Warning
Seales Limited	s13(a)	Alleged that calf feed did not meet stated quality on packaging	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Dick Smith Electronics (NZ) Limited	s13(a)	Alleged that trader is misrepresenting the quality of goods	Warning
Kassrow Piper Fashion Limited	s13(a)	Alleged trader sold second-hand massage chair as new	Warning
New Generation Pharmaceuticals Limited	s13(c)	Alleged false or misleading representations in that some holiday park operators had received invoices for goods they claimed they had not agreed to acquire	Warning
NZ Sale Limited	ss10, 13(g)	Alleged misleading representation as to the price of sports shoes	Warning
Quality Point Pty Limited	ss10, 13(e)	Alleged misleading representation as to the success and benefits of using a 'Barlow' knee support	Warning
Meridian Energy Limited	s13(g)	Alleged that trader is misrepresenting price of electricity	Warning
Water Purification Systems Limited t/a WPS	s13(e)	Alleged that trader represented on Trade Me that town supply water is contaminated by various illnesses and viruses and its water filtration cartridge systems will remove these	Warning
RD1 Limited	ss10, 13(a)	Alleged that trader sold calf feed product that did not achieve the represented crude protein content	Warning
Inghams Enterprises Limited	ss10, 13(a)	Alleged that trader sold calf feed product that did not achieve the represented crude protein content	Warning
Viterra (NZ) Limited t/a NRM Feed	ss10, 13 (a)	Alleged that trader sold calf feed product that did not achieve the represented crude protein content	Warning
Flight Centre (NZ) Limited	ss11, 13(g), 17(a), 19(1)(a)(b)	Alleged misleading representations about offers as terms and conditions changed the overall impression of the offer	Warning
212 traders issued with compliance advice letters			Compliance advice letter
94 investigations closed with no further action			No further action
LITIGATION RESOLVED			
Eden Office Seating	s13(j)	Fine \$5,000, costs \$2,500, court costs \$130	Resolved
Farmers Trading Company Limited	s10	Fine \$10,000, costs \$130	Resolved
Redpaths Furniture Limited		Fine \$28,000 (\$1,000 per charge), court costs \$3,640 (\$130 per charge)	Resolved
Peter Linton t/a Charitables Op Shop		Reparation \$10,000	Resolved

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
TrustPower Limited	s11	Misleading its customers about the nature of a power bill review service	Fined \$17,000
Brownlie Brothers Limited	ss13(a), 13 (j)	Misleading representations as to the country of origin of fruit juice	Fined \$45,000 Costs ordered \$6,780
A. Invercargill Property Management Limited (IPM) B. Newfoundland Limited C. Southern Housing Limited D. CMA Property Investments Limited (NB: This is counted as one resolution)	s14(1)(b)	Alleged breaches of section 14(1)(b) by IPM by making representation that were false or misleading as to the nature of the interest that the IPM scheme occupiers acquire in the properties	A. Fined \$38,500 and \$25,000 reparation B. Fined \$13,500 and \$10,955 reparation C. Fined \$10,500 and \$5,000 reparation D. Fined \$40,000 and \$42,290 reparation
Telecom New Zealand Limited	s11	Misrepresentation concerning Go Large plan and the speed available for broadband users.	Fined \$500,000
A. Discount Premium Holidays Limited B. Devang Parikh (NB: This is counted as one resolution)	A. s13(a) B. Commerce Act s103	A. False and misleading claims surrounding a holiday voucher scheme B. Attempting to mislead the Commerce Commission	A. Fined \$209,000, court costs \$4,940, solicitor fees \$7,500 B. Fined \$7,000, costs \$260
TMG Asia Pacific Pty Limited	ss11, 13(g)(b)	Failure to disclose terms and conditions of text to win competition, misleading consumers	Fined \$125,000 Court costs \$1,040
Mainfeeds Limited formerly t/a PCL Industries Limited	ss10, 13(a)	Trader produced calf feed that did not comply with nutritional specifications on packaging	Fined \$125,000 Court costs of \$1,040
Tristram European Limited	s13(g)	Misleading representations about the price of motor vehicles particularly that vehicles could be purchased on 0% interest when 0% interest terms were not available on a lower negotiated price. Alleged misrepresentation about the price of vehicles, particularly that the amount of establishment fees had not been disclosed in advertising	Fined \$18,000 Court costs \$650 Solicitor costs \$750
New Zealand Natural Care Products Limited	s13(j)	Misrepresentation as to country of origin of product	Fined \$15,000 Court costs \$260
Larry Roger Binns	ss11, 13(a)	Misrepresentation of quality of timber	Fined \$15,000 Court costs \$130

12.2 PRODUCT SAFETY AND INFORMATION STANDARDS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
INVESTIGATIONS COMPLETED			
Lion Rock Ventures Limited	s30	Alleged that trader's Mary-Lou Doll has parts that dislodge creating a choking hazard; product recalled	Warning
Cristiano Alves Dos Santos	s30	Alleged that cot was offered for sale that failed to comply with Product Safety Standards	Warning
United Top KidSmart Limited	s31	Alleged that multiple traders are failing to comply with Product Safety Standard for children's toys	Warning
Barbara Mee	s28	Alleged that trader is selling children's nightwear and daywear without mandatory clothing labels	Warning
Lincoln Park Markets Limited	s30	Alleged that trader is selling product which fails to comply with Product Safety Standard for children's toys	Warning
The 123 Mart Limited	s30	Alleged that trader is selling product which fails to comply with Product Safety Standard for children's toys	Warning
Heidi Davies and Craig Davies	s30	Alleged that trader sold mattress with cot on Trade Me where the cot failed to comply with Product Safety Standard. Had been warned by Trade Me three times about listing non-compliant cot	Warning
Jenny_gao (Trade Me seller)	s28(1)	Alleged that trader is selling children's cots on Trade Me that do not comply with the Product Safety Standard	Warning
Cheapcars NZ Limited	s28(1)	Alleged that trader is entering the wrong country where the vehicle was last registered in the Consumer Information Notice (CIN) in breach of section 28(1)	Warning
Euro Prestige Limited	s28(1)	Alleged that trader is in breach of the Consumer Information Standards (Used Motor Vehicles) Regulations 2008 as it is not displaying CIN cards on its vehicles	Warning
Autometrix	s28(1)	Alleged that the trader is not displaying CIN cards on used vehicles it is offering for sale	Warning
NZ Wholesale Vehicle Distributors	s28	Alleged trader not displaying CIN as required	Warning
Babylon Enterprises t/a nzcompanyltd	s28	Alleged trader not displaying CIN as required	Warning
Wright Wholesale Limited and Peter Wright	ss28, 13(i)	Alleged trader not displaying CIN as required and described vehicle sale as 'as is, where is'	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
27 traders issued with compliance advice letters			Compliance advice letter
9 investigations closed with no further action			No further action
LITIGATION RESOLVED			
Nil			

12.3 CCCF ACT CASES

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
INVESTIGATIONS COMPLETED			
The Pawn Shop	ss17, 42	Alleged that creditor is charging unreasonable credit fees and not providing initial disclosure on payday loans	Settlement
Mizpah Trading Company	s17	Alleged that creditors are not providing initial disclosure	Warning
Kaitaia Second Hand Mart	s17	Alleged that creditor had not provided initial disclosure	Warning
Park Developments Limited	s17	Alleged that creditor had not provided initial disclosure for rent to buy contracts	Warning
Alta Solutions Limited	ss17, 38	Alleged that creditor has not provided full initial disclosure, is not charging interest on the decreasing unpaid balance but at a flat rate, and has taken the debtor's passport as security	Warning
Challenger Mortgage Management NZ Limited	ss43,45	Alleged that creditor is charging an unreasonable full prepayment fee, namely a deferred establishment fee, and not passing on a rebate of Lenders Mortgage Insurance premiums on full prepayment	Warning
Crester Credit Company Limited, Alternate Finance Limited and Hornby Finance Limited	ss17, 32(1), 41, 44, 54	Alleged that the creditor is charging unreasonable credit fees, giving an unreasonable estimate of the creditor's loss on full prepayment, making an unreasonable requirement for debtors to take out credit-related insurance, and is not providing full initial disclosure	Warning
Challenger Mortgage Management NZ	s54	Alleged that the creditor charges unreasonable early prepayment fee	Warning
GMAC Financial Services	s13(i) Fair Trading Act	Alleged that creditor has made misleading representation as to its right to repossess a motor vehicle over which a security exists	Warning
Aotea Finance Limited	ss17, 32	Alleged that creditor is providing initial disclosure in a manner that is liable to mislead debtors as to the interest rate	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Beneficial Finance Limited	s13(e)(i) Fair Trading Act	Alleged misleading representation as to the terms and conditions of a credit-related insurance policy	Settlement
Cash Converters	s41	Alleged that the creditor is charging unreasonable credit fees, including a data management fee	Settlement
Medical Mortgages Limited	s13(i) Fair Trading Act	Alleged that trader discloses that it uses the safe harbour formula, but actually charges the swap break cost	Settlement
Hong Kong Shanghai Banking Corporation Limited New Zealand Branch and Kiwibank Limited	s54	Alleged that banks are charging unreasonable full prepayment fees on mortgages in that the estimate of the creditor's loss is unreasonable	Warning
Foundation Custodians Limited	s54	Alleged that creditor is charging an unreasonable estimate of its loss upon full prepayment and is in fact charging a different formula from that disclosed	Settlement
A1 Finance Limited	ss32(1), 41, 42, 44, 45, and ss111, 13(b) Fair Trading Act	Alleged that creditor is charging unreasonable credit fees, namely an upfront default fee and a 'legal and security' fee for unsecured loans	Warning
Future Finance Limited	ss41, 42, 44, 45	Alleged that creditor is charging a range of unreasonable credit and default fees	Warning
Pasifika Holdings Limited	ss17, 38	Alleged that creditor is not providing full initial disclosure and is charging interest in advance	Warning
Guaranteed Finance Limited and Spirited Fashion Limited	ss17, 42, 44, and s13(g)(i) Fair Trading Act	Alleged misleading representation as to the delivery of mail order goods in that the trader has accepted payment but not delivered	Warning
18 traders issued with compliance advice letters			Compliance advice letter
8 investigations closed with no further action			No further action
LITIGATION RESOLVED			
Dolbak Finance limited	ss17, 13(i) Fair Trading Act	Alleged breach of s13 Fair Trading Act (continued enforcement of contracts where full disclosure has not been made) and ss17 and/or 32 of the CCCF Act	Litigation resolved Guilty pleas to representative charges and sentencing Convictions entered on 2 charges (one each act) and fined \$1,000 on each charge

12.4 FRAMEWORK DEVELOPMENT - FAIR TRADING

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
DEVELOPMENT OR REVIEW OF GUIDELINES, INDUSTRY CODES OR FRAMEWORKS			
Three draft ASA codes for advertising of food, and advertising to children, and the children's code for advertising food			Comment given
Australian Food Labelling Review Panel		Attended	
ADVICE TO GOVERNMENT AGENCIES			
Ministry of Economic Development		Financial Service Providers (Registration and Dispute Resolution Act 2008 and Draft Guidelines Financial Advisers Act) Disclosure Regulations Financial Advisers - proposal to assist schemes applying to become ADR Schemes and Proposed Disputes Resolution Scheme	Reviewed and comments supplied on each phase
Office of the Minister for Food Safety		Paper on Animal Products Act Amendment	Reviewed
New Zealand Food Safety Authority		Proposed amendment to New Zealand Folic Acid Standard discussion paper	Reviewed
MCA		Water efficiency labelling - draft regulations	Comment given
Fair Trading (Soliciting on behalf of Charities) Amendment Bill		Reviewed and supplied feedback	
Draft Cabinet paper on the public register of conditionally released genetically modified crops		Reviewed and supplied feedback	
Cabinet paper on the Food Bill		Reviewed and supplied feedback	
Discussion paper on Financial Service Providers (Registration and Dispute Resolution) Act 2008 - proposed reserved scheme levies		Reviewed and supplied feedback	

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Australian Review on Food Labelling Law and Policy		Supplied feedback to Australian Food Review Panel. Also supplied to New Zealand Food Safety Authority	
Ministry of Consumer Affairs		Supplied feedback on proposal on Fair Trading (Soliciting on Behalf of Charities) Amendment Bill	
Ministry of Economic Development		Supplied feedback on Anti-Counterfeiting Trade Agreement Cabinet paper	
Ministry of Consumer Affairs		Comment on consumer law reform discussion paper	
Ministry of Consumer Affairs		Feedback on discussion paper about country of origin labelling on single ingredient foods	
INTERNATIONAL INFORMATION EXCHANGE AND LIAISON			
ICPEN requests for information		9 requests received	Information supplied
ICPEN		Survey on intelligence	Completed
ICPEN		Attendance at advisory committee	
ICPEN		Conference and best practices workshops	
ICPEN		National report and activity sheet completed and forwarded to ICPEN	1
Monthly advisory committee and other teleconferences		Attendance	6
48 international requests		Facilitated requests, both from and to the Commission with international partners	48
ICPEN		ICPEN Advisory Group telephone conferences undertaken	4
ICPEN Conference and Best Practice Workshop		Attendance at ICPEN Conference and Best Practice Workshop 3-7 May 2010	1

12.5 PUBLIC INFORMATION/EDUCATION - FAIR TRADING

MEDIA RELEASES

TOPIC	DATE
Commerce Commission takes action against juice company	17/07/2009
Yan fruit 'juice' products voluntarily recalled	20/07/2009
Court confirms Wings and Wheels over Waikato funds held on trust	22/07/2009
Op shop operator ordered to pay reparation for Fair Trading breach	24/07/2009
Guidelines on carbon claims and the Fair Trading Act released	24/07/2009
Property management companies fined for Fair Trading Act breaches	27/08/2009
Electricity company fined for misleading power bill review	16/10/2009
Franchise prosecution welcomed	16/10/2009
Warning for importing unsafe toy tool set	22/10/2009
Fair Trading Act charges laid against Vodafone	23/10/2009
Juice company pleads guilty to breaching Fair Trading Act	12/11/2009
Inghams warned over GM free chicken claims	18/11/2009
Fourth property management company fined for Fair Trading Act breaches	18/11/2009
Supreme Court allows Commerce Commission appeal	27/11/2009
Telecom fined \$500,000 for misleading over Go Large plan	7/12/2009
Holiday voucher company pleads guilty to Fair Trading Act breaches	15/12/2009
Flight Centre warned over advertising and promotion	22/12/2009
Telecom admits breaching Fair Trading Act - pays back \$9.5m to customers	12/01/2010
Insurance company to refund consumers over partial payments	14/01/2010
Refund process for text to win competitions	15/01/2010
Retailer warned over voucher promotion	9/02/2010
Calf feed company fined for Fair Trading Act breach	5/03/2010
Real estate agent's appeal upheld because of new Act	10/03/2010
Car dealership company pleads guilty to breaching Fair Trading Act	16/03/2010
Wings and Wheels over Waikato organiser sentenced	30/03/2010
'Text to win' company pleads guilty to Fair Trading Act breach	21/04/2010
Court injunction granted against water filter companies	26/04/2010
Company executive fined for Fair Trading Act breach	30/04/2010
Consumers misled by imported royal jelly passed off as New Zealand made	5/05/2010

TOPIC	DATE
Settlement reached over breaches of consumer legislation	11/05/2010
More false country of origin claims on royal jelly product result in fines	28/05/2010
Car finance company fined for breaching consumer laws	1/06/2010
1,300 broadband customers to get refunds following Commerce Commission investigation	18/06/2010
Media advisory	22/06/2010
Commerce Commission settles with ANZ and ING over investment funds	22/06/2010
Reasons for price increases must not be misrepresented	30/06/2010

PRESENTATIONS

EVENT	DATE	TOPIC	SPEAKER
Global Origin and Traceability Conference in Wellington	02/07/2009	Opening address	Adrian Sparrow
A J Park Solicitors	3/03/2010	Role of Investigator	Steve Anthony
NZ Feed Manufacturers' Association	17/03/2010	Fair Trading - Getting it Right	Greg Allan
Australasian Retail Summit 2010	19/05/2010	Ensuring Customer Centric Competition Regulation in Retailing	Kate Morrison

PUBLICATIONS

TITLE	RELEASE DATE
An Evening with the Fair Trading Act (DVD)	24/09/2009
Guidelines for Carbon Claims	7/2009
Fair Trading Act Compliance Resources Suite	8/2009
Use of Agents and Telemarketers	29/01/2010
Environmental Claims	29/01/2010
Add-ons and Hidden Fees	29/01/2010
Bait Advertising	29/01/2010
Online Selling	29/01/2010
Health and Nutrition Claims	15/02/2010
Fine Print	15/02/2010
Comparative Advertising	15/02/2010
Pricing	15/03/2010

12.6 FRAMEWORK DEVELOPMENT - CCCF ACT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
DEVELOPMENT OR REVIEW OF GUIDELINES, INDUSTRY CODES OR FRAMEWORKS			
Credit Contracts and Consumer Finance Act Draft Guidelines for Consumer Fees		Guidance to credit industry on Commission's enforcement approach to credit fee provisions	12/05/2010
ADVICE TO GOVERNMENT AGENCIES			
Health Promotion and Policy Research Unit, Department of Public Health, University of Otago		Fringe lending responsibility in relation to indebtedness in Māori, Pacific and low income whānau/families	Information supplied
MCA		Home Equity Conversion Scheme	Now subsumed into wider review of CCCF Act
INTERNATIONAL INFORMATION EXCHANGE AND LIAISON			
Exploitative Credit Working Group		Contribution to working group	Completed. Replaced by ongoing liaison with ASIC
High Cost Consumer Credit Survey		Provided response to survey questions	
Australasian Securities and Investments Commission		Exchange of information with Australasian Securities and Investments Commission as to Commission's investigation and enforcement approach taken on credit card late payment fees	

12.7 PUBLIC INFORMATION/EDUCATION - CCCF

MEDIA RELEASES

TOPIC	RELEASE DATE
Commerce Commission settles with pawnbroker over interest rate misrepresentations	11/08/2009
Cash Converters settles with Commerce Commission over payday loans	24/03/2010
Mortgage break fees investigation by Commerce Commission concluded	11/05/2010
Revised draft credit fees guidelines released	12/05/2010
Commerce Commission advises industry on credit card late payment fees	21/05/2010

PRESENTATIONS

EVENT	DATE	TOPIC	SPEAKER
New Zealand Credit and Finance Institute national conference	15/10/2009		Graham Gill
MCA Training for Consumer Groups	2/03/2010	CCCF Act Issues	Diane Gibson
New Zealand Credit and Finance Institute	April 2010	Update on CCCF Act Issues	Jennifer Davies
Consumer Day (Ministry of Consumer Affairs)	25/06/2010		Jennifer Davies

PUBLICATIONS

TITLE	RELEASE DATE
Overview of the Credit Contracts and Consumer Finance Act Fact Sheet	22/06/2010
Transactions Covered by the Credit Contracts and Consumer Finance Act Fact Sheet	22/06/2010
Consumer Rights under a Consumer Credit Contract Prepayment Fact Sheet	22/06/2010
Consumer Rights under the Credit Contracts and Consumer Finance Act Hardship Fact Sheet	22/06/2010
Disclosure and Other Requirements Buy Back Transactions of Land Fact Sheet	22/06/2010
Disclosure and Other Requirements Consumer Leases Fact Sheet	22/06/2010
Disclosure Requirements Fact Sheet	22/06/2010
Oppressive Contracts under the Credit Contracts and Consumer Finance Act Fact Sheet	22/06/2010

APPENDIX III - COMMUNICATIONS

13.1 DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
ACCESS DETERMINATIONS MADE			
Clarification of UBA Rejection Reasons	s58	Request for amendment to Decision 611 to change the UBA STD operations manual	Amendment to UBA STD made - Decision 679 - 23/07/2009
UBA Wiring and Connection Costs and Modem Installation	s58	Request for amendment to Decision 611 to clarify circumstances where charges apply	Amendment to UBA STD made - Decision 679 - 23/07/2009
UBA Early Termination	s58	Request for amendment to Decision 611 in relation to Early Termination charges	Amendment to UBA STD made - Decision 688 - 21/12/2009
UCLL and UCLL Co-location in relation to cabinetisation	s58	Clarification of UCLL and UCLL Co-location STD (Decisions 609 and 610) in relation to cabinetisation notification periods and transfer costs	Amendments made - Decision 682 - 12/11/2009
UCLL and UCLL Sub-Loop Review - sundry charges		Price adjustment to sundry charges	Approved 22/10/2009
UCLL and UCLL Co-location Price Review - sundry charges		Price adjustment to sundry charges	Approved 26/11/2009
UBA Service Adjustment		Service adjustment as required by the STD	Approved 28/01/2010
UBA Quarterly Adjustment		Quarterly adjustment as required by the STD	Approved 28/01/2010
UBA Batch Processing Clarification	s58		Amendment to UBA STD made - Decision 689 - 4/03/2010
VDSL	s58	Final decision on the application of VDSL technologies to the UBA STD	Approved 10/05/2010
UCLL and Sub-Loop Determinations	s58	UCLL and sub-loop price list, written waiver and reporting trigger clarification	Approved 8/04/2010
UBA and UBA Backhaul - adjustment to sundry charges due to change in input costs		Price adjustment as required by STD	Approved 8/04/2010
UBA annual price adjustment		Price adjustment as required by STD	Approved 8/04/2010

13.2 DETERMINATIONS OF TSO COST

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
TSO DETERMINATIONS MADE			
Sprint's compliance with TSO service quality measures	s80	Sprint must comply with any processes set out in the TSO instrument - in this case service quality measures	Sprint achieved the targets set in one of two quality measures
Telecom's compliance with service quality measure	s80	Telecom must comply with any processes set out in the TSO instrument - in this case service quality measures	Telecom fully complied with all service quality measures
2006/07 LTRS TSO	s93	Determination for TSO Instrument	Issued 7/10/2009
2007/08 LRTS TSO	s93	Determination for TSO Instrument	Issued 7/10/2009
2008/09 TRS TSO	s93	Determination for TSO Instrument	Issued 4/12/2009
2008/09 Cost Allocation TSO	s90	Determination for TSO Instrument	Issued 4/12/2009

13.3 MONITORING AND REPORTING

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
MONITORING AND REPORTING			
Broadband performance report	s9(a)	The Commission must monitor telecommunications markets	The Commission released a report on broadband performance
Broadband performance report	s9(a)	The Commission must monitor telecommunications markets	The Commission released a report on broadband performance
Six-monthly report	s9A	Monitoring Report	Released 12/11/2009
Annual Monitoring Report		Annual Sector Monitoring Report 2008/09	6/05/2010
Broadband Quality Report		Measurement of broadband quality in New Zealand for quarters 3 and 4/2009	18/05/2010

13.4 ENFORCEMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
ENFORCEMENT ACTION			
Nil			

13.5 CODE APPROVAL DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
INDUSTRY CODES APPROVED			
Nil			

13.6 REPORTS TO MINISTERS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
REPORTS TO THE MINISTER			
Mobile Termination Access Services (MTAS)	Schedule 3	Report to the Minister on whether or not to regulate MTAS or accept undertakings	Report issued on 22/02/2010
Mobile Termination Access Services reconsideration report	Schedule 3	Reconsideration report on Mobile Termination Access Services	16/06/2010

13.7 FRAMEWORK DEVELOPMENT

EVENTS	DATE	TOPIC	SPEAKER
DEVELOPMENT OR REVIEW OF GUIDELINES, INDUSTRY CODES OR FRAMEWORKS			
Nil			
INTERNATIONAL INFORMATION EXCHANGE AND LIAISON			
ACCC Utility Regulation Conference			
Sheldor (Israel)	11/03/2010	Mobile market regulation in New Zealand	Ross Patterson
Mr Leong Keng Thai Dep Chief Executive/Director-General (Telecoms and Post)		Meeting with IDA (Singaporean regulator)	
Dr Taylor Reynolds		Meeting with OECD representative	
Richard Hooper		Meeting with ex Ofcom board member	

13.8 PUBLIC INFORMATION/EDUCATION

MEDIA RELEASES

TOPIC	DATE
Commerce Commission releases quarterly report on broadband quality	3/07/2009
Commerce Commission releases draft guidelines for the telecommunications sector	31/07/2009
Commerce Commission warns of potential breach of Commerce Act	6/08/2009
Commerce Commission confirms confidentiality order	13/08/2009
Commerce Commission to defer commencement of mobile roaming investigation	28/08/2009
Commerce Commission opens investigation into Telecom Wholesale Loyalty Offers	31/08/2009
Telecom complies with the Telecommunications Service Obligations	18/09/2009
Commerce Commission reports to Minister on Sprint's compliance with Telecommunications Service Obligations	18/09/2009
Average broadband performance continues to improve	23/09/2009
Commerce Commission to investigate resale services	25/09/2009
Commerce Commission releases final Telecom TSO cost calculation for 2006/07	7/10/2009
Commerce Commission releases final Telecom TSO cost calculation for 2007/08	7/10/2009

TOPIC	DATE
Commerce Commission consults on Telecom wholesale loyalty offers	16/10/2009
Commerce Commission to issue proceedings against Telecom over loyalty offers	6/11/2009
Draft TSO Determinations released by Commerce Commission	10/11/2009
Commerce Commission report highlights enhanced mobile competition	12/11/2009
Next steps for mobile termination investigation	3/12/2009
Commerce Commission releases two TSO Determinations for 2008/09	4/12/2009
Commerce Commission releases draft Telecom TSO cost calculation for 2008/09	4/12/2009
Confidentiality order investigation closed by Commerce Commission	17/12/2009
Commerce Commission considering final mobile termination undertakings	18/12/2009
Commerce Commission's view of Telecom's regulatory financial reporting	18/12/2009
Draft guidance on Telecom's non-discrimination obligations released for consultation	21/12/2009
Commerce Commission receives revised undertakings from Telecom	11/02/2010
Draft decision released by Commerce Commission on VDSL services	18/02/2010
Commerce Commission commences review of data price	19/02/2010
Recommendation on mobile termination delivered to Minister	22/02/2010
Summary and analysis report of Telecom's 2009 regulatory financial statements published	15/04/2010
VDSL decision confirmed by Commerce Commission	16/04/2010
Commerce Commission invites Minister to consider Vodafone's new on-net pricing plan	20/04/2010
2009 annual monitoring report shows increasing competition in telecommunications markets	23/04/2010
Commerce Commission process for reconsideration of mobile termination access services report	27/04/2010
Commerce Commission recommends regulation of mobile termination access services in draft report	12/05/2010
New requirements for Telecom's regulatory financial statements published	18/05/2010
Commerce Commission broadband quality report shows improvement in web browsing speed	18/05/2010
Commerce Commission recommends regulation of mobile termination access services	16/06/2010
Commerce Commission commences competition review of UBA service	23/06/2010

PRESENTATIONS (INCLUDING STAKEHOLDER ENGAGEMENT MEETINGS AND CONSUMER PANELS)

EVENT	DATE	TOPIC	SPEAKER
MED	1/10/2009	Stakeholder engagement	Dr Ross Patterson Osmond Borthwick
Chorus Presentation	6/10/2009	Stakeholder engagement	All Telecommunications Branch
ACCC Google	12/10/2009	Stakeholder engagement	Dr Ross Patterson
Telecom	13/10/2009	Stakeholder engagement	Dr Ross Patterson
Chorus	13/10/2009	Stakeholder engagement	Dr Ross Patterson Osmond Borthwick
InternetNZ	16/10/2009	Stakeholder engagement	Dr Ross Patterson
Energy Roundtable: Fibre to the Home	20/10/2009	(discussion panel)	Dr Ross Patterson
ISPANZ Annual General Meeting	21/10/2009	Regulatory developments and likely issues over the next year	Dr Ross Patterson
2degrees	23/10/2009	Stakeholder engagement	Dr Ross Patterson Anita Mazzoleni
TelstraClear Unbundled	27/10/2009	Stakeholder engagement	Dr Ross Patterson
Crown Fibre Holding Company Board	10/11/2009	Regulatory and Market Perspective	Dr Ross Patterson Osmond Borthwick John Gandy
TCF Numbering Workshop	27/11/2009	Stakeholder engagement	Dr Ross Patterson John Gandy
Vodafone	28/11/2009	Stakeholder engagement	Dr Ross Patterson John Gandy
Telecom	19/01/2010	Telecom separation office reporting to Commission and Independent Oversight Group	John Gandy
TeamTalk	21/01/2010	Managing numbers	Dr Ross Patterson/John Gandy
Telecom	2/02/2010	UBA backhaul vs tail extension	John Gandy
MED	17/02/2010	Stakeholder meeting	Dr Ross Patterson
Telecommunications Carriers' Forum	17/02/2010	Ultra fast broadband strategy meeting	John Gandy
New Zealand Institute for the Study of Competition and Regulation	18/02/2010	Connectivity report meeting	Dr Ross Patterson
Telecom	22/02/2010	Tour of Telecom facilities	Commission staff

EVENT	DATE	TOPIC	SPEAKER
Achieving Ubiquitous Broadband Networks, Bahrain	23/02/2010	Building a Competitive Ubiquitous Broadband Network: The New Zealand Experience	Dr Dr Ross Patterson
MED	5/03/2010	Cross-agency meeting	Brent Alderton/John Gandy
Telecom	17/03/2010	Relationship meeting	Dr Ross Patterson
InternetNZ	23/03/2010	Ultra Fast Broadband	John Gandy
TCF/NAD	25/03/2010	InternetNZ	John Gandy
TUANZ Telecommunications Day	20/04/2010	The 2006 Amendments to the Telecommunications Act - Three Years On (A Snapshot of Developments 2006-2009)	Dr Dr Ross Patterson
CommsDay Auckland Summit	18/05/2010	Challenges and Opportunities from New Fibre Access	Dr Dr Ross Patterson
CommunicAsia Broadband Summit	16/06/2010	New Zealand Broadband	Dr Dr Ross Patterson
TelCon 11	29/06/2010		Dr Dr Ross Patterson

PUBLICATIONS

TITLE	DATE RELEASED
Nil	

13.9 INFORMATION DISCLOSURE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
INFORMATION DISCLOSURE REPORTS			
Summary and analysis of Telecom New Zealand's regulatory accounts		Summary and analysis for the 2008/09 financial year	15/04/2010
Requirements for regulatory accounts 2009/10		Guidelines for producing Telecom's regulatory accounts including asset valuation and cost allocation methodologies	18/05/2010

APPENDIX IV - INPUT METHODOLOGIES

17.1 DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
AIRPORTS			
Nil			
GAS/ELECTRICITY			
Nil			

17.2 PRINCIPLES AND GUIDELINES

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
PRINCIPLES AND GUIDELINES			
Nil			

17.3 FRAMEWORK DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
FRAMEWORK DEVELOPMENT			
Nil			

17.4 PUBLIC INFORMATION/EDUCATION

MEDIA RELEASES

TOPIC	DATE
Commerce Commission confirms dates for Input Methodologies conference	7/08/2009
Consultation on Input Methodologies extended	10/12/2009
Commerce Commission releases emerging views on Input Methodologies	23/12/2009
Important milestone in setting regulatory regime for airports	31/05/2010

PRESENTATIONS

EVENT	DATE	TOPIC	SPEAKER
CC93 (MEUG, Business New Zealand and Consumers' Institute)	07/2009	Input Methodologies and Part 4	Calum Gunn and Brent Alderton
Presentation to Energy and Water Utilities Regulatory Authority, Tanzania	15/03/2010	Regulation under Part 4 of the Commerce Act	Dr Mark Berry, Nicholas Hill, Brent Alderton
Utility Regulators Forum	19/03/ 2010	An Update on Regulatory Changes in New Zealand	Brent Alderton

PUBLICATIONS

TITLE	RELEASE DATE
Nil	

APPENDIX V – ELECTRICITY

14.1 DETERMINATION OF PRICE-QUALITY PATHS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
PRICE QUALITY PATHS			
Decision 685	s54K(1) of Part 4 of the Commerce Act	Initial reset of the default price-quality path for electricity distribution businesses	Gives effect to the default path to apply from 1/05/2010

14.2 THRESHOLD INQUIRIES

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
THRESHOLD INQUIRIES			
Nil			
COMPLIANCE ASSESSMENT			
Transpower	Clause 9, Commerce Act (Transpower Thresholds) Notice 2008 (the Notice)	Assessment of Transpower Compliance Assessment	No further action, but monitor Transpower's performance
Review of EDBs' 2009 price-quality thresholds	ss57(d)-(n) of Commerce Act (as if not repealed)	Review of threshold compliance statements of 29 EDBs and consideration of whether to declare control of any of the EDBs that breached price and/or quality thresholds	The Commission decided not to declare control of any of the 18 EDBs that breached price and/or quality thresholds

14.3 FRAMEWORK DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
RECOMMENDATION ON CONTROLS			
Recommendation to Minister on type of regulation to apply to Transpower	s54(m) of Commerce Act	Before Transpower's administrative settlement expires, the Commission must make a recommendation to the Minister of Commerce that an Order in Council be made declaring which type of price-quality regulation Transpower should be subject to	Recommendation to Minister made 14/04/2010
ADVICE TO GOVERNMENT ON LAW REFORM OF ELECTRICITY SECTOR			
Advice to MED on draft Cabinet papers on the Ministerial Review of the Electricity Sector		Comment to MED on proposed policy reform and its impact on the Commerce Commission's functions in relation to Part 4 of the Commerce Act (particularly with regard to Transpower)	
Advice to MED on draft Electricity Industry Bill		Comment to MED on proposed policy reform and its impact on the Commerce Commission's functions in relation to Part 4 of the Commerce Act (particularly with regard to Transpower)	

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Submission to Finance and Expenditure Committee	Electricity Industry Bill	Submission dated 26 February on Electricity Industry Bill provisions setting quality standards for Transpower, net market benefit criteria and grid investment test objectives, the promotion of energy efficiency, and the definition of consumer-owned suppliers of electricity lines services	
Submissions to officials	Electricity Industry Bill	Correspondence with officials on 1 April, 10 May, 13 May, 1 June and 28 June 2010 on legal drafting matters relating to Electricity Industry Bill	Officials' consideration of the Commission's submissions

14.4 PUBLIC INFORMATION/EDUCATION

MEDIA RELEASES

TOPIC	RELEASE DATE
Commerce Commission releases draft decisions paper relating to electricity distribution businesses	8/09/2009
Compliance review of electricity distribution business asset management plans for 2009 released	11/11/2009
Determination for electricity distribution businesses' price-quality path released	30/11/2009
Commerce Commission recommends type of regulation to apply to Transpower	14/04/2010
Commerce Commission releases draft decisions on Input Methodologies for electricity distribution businesses	18/06/2010
Commerce Commission releases draft decisions on Input Methodologies for Transpower	25/06/2010
Commerce Commission releases draft decisions on individual price-quality path for Transpower	28/06/2010

PRESENTATIONS

EVENT	DATE	TOPIC	SPEAKER
Energy Trust Spring Conference in Wellington	19-20/11/2009	The Treatment of Consumer-owned Distributions Businesses, including Part 4A of the Commerce Amendment Act	Brent Alderton and Calum Gunn
International Energy Agency	7/12/2009	Electricity Lines and Gas Pipelines Regulation	Nicholas Hill, Brent Alderton and Dr Mike Pickford
Energy Trust AGM and Autumn Conference	21/05/2010		Dr Mark Berry

PUBLICATIONS

TITLE	RELEASE DATE
Nil	

14.5 AUTHORISATION AND DETERMINATION COMPLIANCE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
AUTHORISATIONS			
Nil			
COMPLIANCE WITH EXISTING AUTHORISATIONS AND DETERMINATIONS			
12 Electricity distribution businesses provided statutory declarations and other information for the Commission to assess whether they fulfilled the consumer-owned status	s54(d) of the Commerce Act	Electricity Distribution Businesses that meet the 'consumer-owned' criteria set out in the Commerce Act are exempt from default/customised price-quality regulation	The Commission was of the view that 12 EDBs met consumer-owned criteria as at 31/03/2010 and accordingly were exempt from price-quality regulation for the period 1/04/2009 to 31/03/2010

14.6 INFORMATION DISCLOSURE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
INFORMATION DISCLOSURE DETERMINATIONS			
Nil			
INFORMATION DISCLOSURE - SUMMARY AND ANALYSIS (INCLUDING ASSET MANAGEMENT REVIEW)			
Information Disclosure - AMPs (11/11/2009)	Part 4 of the Commerce Act	Compliance Review of Asset Management Plans for the period beginning 1/04/2009	
Information Disclosure - Summary and Analysis of Disclosure (2009)	Part 4 of the Commerce Act	Electricity Lines Businesses, Summary of Information Disclosures for 29 electricity distributions and Transpower	

APPENDIX VI - GAS

15.1 DETERMINATION OF PRICE-QUALITY PATHS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
PRICE-QUALITY PATHS			
Nil			

15.2 COMPLIANCE WITH EXISTING AUTHORISATIONS AND DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
COMPLIANCE WITH EXISTING AUTHORISATIONS AND DETERMINATIONS			
Nil			

15.3 FRAMEWORK DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
FRAMEWORK DEVELOPMENT			
Nil			

15.4 PUBLIC INFORMATION/EDUCATION

MEDIA RELEASES

TOPIC	DATE
Commerce Commission releases draft decisions on Input Methodologies for gas pipeline businesses	21/06/2010

PRESENTATIONS

EVENT	DATE	TOPIC	SPEAKER
NIL			

PUBLICATIONS

TITLE	RELEASE DATE
Nil	

15.5 INFORMATION DISCLOSURE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
INFORMATION DISCLOSURE DETERMINATIONS			
Nil			

APPENDIX VII - AIRPORTS

18.1 INFORMATION DISCLOSURE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
INFORMATION DISCLOSURE DETERMINATIONS			
Nil			

18.2 PUBLIC INFORMATION/EDUCATION

MEDIA RELEASES

TOPIC	DATE
Commerce Commission begins consultation on information disclosure regime	29/07/2009

PRESENTATIONS

EVENT	DATE	TOPIC	SPEAKER
Nil			

PUBLICATIONS

TITLE	RELEASE DATE
Nil	

APPENDIX VIII - DAIRY

16.1 INVESTIGATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
ENFORCEMENT ACTION			
Clarevale	DIR Act, Subpart 5 s73	Contractual dispute over Clarevale's contract to supply Fonterra	No further action

16.2 DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
ADJUDICATION			
Nil			

16.3 FRAMEWORK DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
FRAMEWORK DEVELOPMENT			
Nil			

16.4 PUBLIC INFORMATION/EDUCATION

MEDIA RELEASES

TOPIC	DATE
Nil	

PRESENTATIONS

EVENT	DATE	TOPIC	SPEAKER
Nil			

PUBLICATIONS

TITLE	RELEASE DATE
Nil	