

# 2010/2011 ANNUAL REPORT



## APPENDICES

## CONTENTS

<b>APPENDIX I - COMPETITIVE MARKETS</b>	<b>3</b>	<b>APPENDIX V - INPUT METHODOLOGIES</b>	<b>42</b>
MARKET STRUCTURE CASES	3	DETERMINATIONS	42
COORDINATED BEHAVIOUR CASES	3	PUBLIC INFORMATION/EDUCATION	43
UNILATERAL CONDUCT CASES	5	MEDIA RELEASES	43
DETERMINATIONS	6	PRESENTATIONS	43
FRAMEWORK DEVELOPMENT	7	PUBLICATIONS	43
PUBLIC INFORMATION/EDUCATION	9	<b>APPENDIX VI - ELECTRICITY</b>	<b>44</b>
MEDIA RELEASES - COMMERCE ACT	9	<b>ELECTRICITY DISTRIBUTION</b>	<b>44</b>
MEDIA RELEASES - EIR ACT	10	PRICE-QUALITY PATH DETERMINATIONS (INCLUDING AMENDMENTS)	44
PRESENTATIONS	11	COMPLIANCE (INCLUDING CONSUMER-OWNED STATUS)	44
PUBLICATIONS	13	INFORMATION DISCLOSURE DETERMINATIONS	44
REPORTS TO THE MINISTER	13	INFORMATION DISCLOSURE - SUMMARY AND ANALYSIS	44
<b>APPENDIX II - INFORMED CONSUMERS</b>	<b>14</b>	FRAMEWORK DEVELOPMENT (ADVICE TO OFFICIALS)	44
FAIR TRADING ACT CASES	14	<b>TRANSPOWER</b>	<b>45</b>
PRODUCT SAFETY AND INFORMATION STANDARDS CASES	21	PRICE-QUALITY DETERMINATION	45
CCCF ACT CASES	23	COMPLIANCE ASSESSMENT (ADMINISTRATIVE SETTLEMENT)	45
FRAMEWORK DEVELOPMENT	25	INFORMATION DISCLOSURE - SUMMARY AND ANALYSIS	45
<b>PUBLIC INFORMATION/EDUCATION - FAIR TRADING</b>	<b>30</b>	TRANSPOWER FRAMEWORK DEVELOPMENT (ADVICE TO OFFICIALS)	45
MEDIA RELEASES - FAIR TRADING ACT	30	TRANSPOWER GRID UPGRADE PLAN	45
MEDIA RELEASES - CCCF ACT	30	<b>PUBLIC INFORMATION/EDUCATION (INCLUDES DISTRIBUTION AND TRANSMISSION)</b>	<b>46</b>
PRESENTATIONS - FAIR TRADING ACT	31	MEDIA RELEASES	46
PRESENTATIONS - CCCF ACT	32	PRESENTATIONS	46
PUBLICATIONS - FAIR TRADING ACT	33	PUBLICATIONS	46
PUBLICATIONS - CCCF ACT	33	<b>APPENDIX VII - GAS</b>	<b>47</b>
<b>APPENDIX III - DAIRY</b>	<b>34</b>	PRICE-QUALITY PATH DETERMINATIONS	47
INVESTIGATIONS	34	PRICE-QUALITY PATH CONSULTATION PAPERS	47
DETERMINATIONS	34	COMPLIANCE WITH EXISTING AUTHORISATIONS AND DETERMINATIONS	47
FRAMEWORK DEVELOPMENT	34	INFORMATION DISCLOSURE	47
PUBLIC INFORMATION/EDUCATION	34	FRAMEWORK DEVELOPMENT	48
<b>APPENDIX IV - COMMUNICATIONS</b>	<b>35</b>	PUBLIC INFORMATION/EDUCATION	48
ACCESS DETERMINATIONS	35	MEDIA RELEASES	48
TSO COST DETERMINATIONS	35	PRESENTATIONS	48
MONITORING AND REPORTING	36	PUBLICATIONS	48
ENFORCEMENT CASES CLOSED	36	<b>APPENDIX VIII - AIRPORTS</b>	<b>49</b>
INDUSTRY CODES APPROVED	36	INFORMATION DISCLOSURE	49
REPORTS TO THE MINISTER	36	PUBLIC INFORMATION/EDUCATION	49
FRAMEWORK DEVELOPMENT	37	MEDIA RELEASES	49
PUBLIC INFORMATION/EDUCATION	39	PRESENTATIONS	49
MEDIA RELEASES	39		
PRESENTATIONS (INCLUDES STAKEHOLDER ENGAGEMENT MEETINGS AND CONSUMER PANELS)	40		
INFORMATION DISCLOSURE	41		

## APPENDIX I - COMPETITIVE MARKETS

### MARKET STRUCTURE CASES

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>RESOLVED WITHOUT FURTHER ENFORCEMENT ACTION</b>			
The Valspar Corporation / Watty Limited	s47	Potential acquisition by The Valspar Corporation of Watty Limited	No further action
<b>RESOLVED THROUGH FURTHER ENFORCEMENT ACTION</b>			
Nil			

### COORDINATED BEHAVIOUR CASES

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>RESOLVED WITHOUT FURTHER ENFORCEMENT ACTION</b>			
Plastic pipes	s27 via s30	Alleged agreement between competitors to remain out of each other's market	No further action
Rugby World Cup Part II	s27	Agreements between TVNZ, TV3, Maori TV and Sky (as competitors) to jointly contract with advertisers for sponsorship of television broadcasts of Rugby World Cup 2011 matches	No further action
Air travel from Malaysia	s27 via s30	Alleged anti-competitive practices between airlines and travel agents who took part in the 'Market Development Program' in the air passenger market(s) between Malaysia and New Zealand between 1983 and 2003	No further action
Several companies in the markets for high voltage underground and submarine power cables	s27 via s30	Alleged agreement between competitors to allocate projects amongst themselves and rig the bids for those projects	No further action
Visa Dynamic Currency Conversion	s27 via s30 and s36	Allegation that changes to the Visa operating rules relating to the dynamic currency conversion credit payment system may have breached the Commerce Act	No further action
Aquashield Cast Protectors	s27 via s30	Alleged pricing agreement regarding supply of medical equipment	No further action
Cardboard 4 - Crimes Act	Crimes Act	Alleged obstruction of cartel investigation in 1994/95	No further action
Miraka Limited / Open Country Dairy Limited	s27 via s30	Alleged agreement not to compete for the acquisition of raw milk suppliers	No further action

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>RESOLVED THROUGH ENFORCEMENT ACTION</b>			
Waikato Pathology	s27 via s30	Anti-competitive practices concerning pathology service providers in the Waikato District	Judgment (following settlement)
Waste oil	s27 via s30	Price fixing in the waste oil industry	Out of court settlement
Accountant Pricing Guide	s27 via s30	Alleged price fixing activity including preparation of a pricing guide	Compliance advice
Trade Me tyres	s27 via s30	Collusion to raise prices for retail car tyres sold on Trade Me	Out of court settlement
Air ambulance	s27 via s30	Potential cartel conduct in the air ambulance industry	Out of court settlement
Chinese tours	s27 via s30	Alleged price fixing between parties involved in Approved Destination Status Chinese Tours	Compliance advice
Gas insulated switchgear	s27 via s30	Leniency application	Penalty with one party, judgment against Commission for another party
Air cargo s103	s103	Alleged failure to comply fully with a s 100 order	Discontinued
Canterbury Private Physiotherapists Association	s27 via s30	Alleged price fixing activity	Compliance advice
Confidential	s27 via s30	Alleged agreement between competitors	Litigation discontinued
Confidential			Out of court settlement
Air cargo - judicial review		Judicial review of use of s 100 orders	Judgment
Truck tyres	s27 via s30	Alleged agreement between truck tyre service companies	Compliance advice provided to two parties

## UNILATERAL CONDUCT CASES

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>RESOLVED WITHOUT FURTHER ENFORCEMENT ACTION</b>			
Wellington International Airport Limited	s36	Alleged anti-competitive conduct relating to the granting of sole rights to a single vendor to operate shuttle services from Wellington Airport	No further action
Transpacific Industries Group (NZ) Limited and EnviroWaste Services Limited	s27 and s30	Alleged that waste contracts imposed on commercial front-end load customers substantially lessen competition in local markets	No further action
Viterra Inc	s36	Alleged that Viterra's arrangements for the purchasing and supply of various grain products are anti-competitive	No further action
Vector Limited	s36	Concerns about restrictions on access to gas arising from capacity constraints on Vector's north gas pipeline	No further action
New Zealand Document Exchange Limited t/a DX Mail	s36	Alleged that the access price to DX Mail from New Zealand Post for international incoming mail is anti-competitive	No further action
<b>RESOLVED THROUGH ENFORCEMENT ACTION</b>			
Telecom New Zealand Limited	s36	Alleged use of a dominant position regarding 0867 service	Judgment (following hearing)
NZ Ski	s36	Alleged that NZ Ski used its market power to limit competition on bus services to a Queenstown ski field	Compliance advice
Go Healthy New Zealand	s37	Alleged retail price maintenance	Compliance advice
Kitchen aid mixer	s37	Alleged retail price maintenance	Compliance advice
Online sunglasses	s37	Alleged retail price maintenance	Compliance advice
Sony laptops	s37	Alleged retail price maintenance	Compliance advice

## DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>CLEARANCES</b>			
Scandinavian Tobacco Group A/S / Swedish Match AB	s66	Application seeking clearance	Clearance granted
Sanford Limited / Pacifica Seafoods Group	s66	Application seeking clearance	Clearance granted
TEC Projects Limited / Tecpak Industries Limited	s66	Application seeking clearance	Clearance granted
Christchurch International Airport Limited / Craddocks Car Storage	s66	Application seeking clearance	Clearance granted
AsureQuality Limited / Proficiency Services Limited	s66	Application seeking clearance	Clearance granted
PMP Print Limited / APN Print NZ Limited	s66	Application seeking clearance	Clearance granted
Sonoco New Zealand Limited / T.T.L. Pacific Limited	s66	Application seeking clearance	Clearance granted
Fletcher Building Limited / Crane Group Limited	s66	Application seeking clearance	Clearance granted
New Zealand Comfort Group Limited / Dunlop Living Limited	s66	Application seeking clearance	Clearance granted
Waters & Farr / Fletcher Concrete and Infrastructure Limited	s66	Application seeking clearance	Clearance granted
<b>AUTHORISATIONS</b>			
Cavalier Wool Holdings Limited / New Zealand Wool Services International Limited	s67	Application seeking authorisation	Authorisation granted
NZRU Salary Cap	s65	Application seeking revocation of authorisation	Revocation granted
<b>EIR ACT EXEMPTIONS</b>			
AMP Capital Investors (New Zealand) Limited	s81	Requested variation to decision 373	Commission determined the variation was not required

## FRAMEWORK DEVELOPMENT

<b>DEVELOPMENT OR REVIEW OF GUIDELINES</b>
Guidelines for procurers – How to recognise and deter bid rigging
How to recognise bid rigging fact sheet
How to deter bid rigging fact sheet
Avoiding illegal agreements fact sheet
Guidelines for trade associations
Resale price maintenance fact sheet
<b>PROVISION OF ADVICE TO INFORM GOVERNMENT POLICY AND LAW REFORM PROCESSES</b>
Advice to the Ministry of Economic Development on proving ‘understanding’ (s 27)
Advice to Crown Law about immunity
Comments to the Ministry of Economic Development on second tranche of drafting instruction to Parliamentary Council Office
Advice to the Intellectual Property Office of New Zealand on s 27 of the Commerce Act
Advice to the Reserve Bank on implementing a system of non-objection notices for major bank acquisitions
Advice to Treasury on a Ministerial enquiry about the acquisition of PGG Limited / Wrightson Limited by Agricom
Advice to the Ministry of Economic Development on s 30 cases
<b>INTERNATIONAL INFORMATION EXCHANGE AND LIAISON</b>
Brunei Capacity Building Conference
Contribution to Organisation for Economic Cooperation and Development Annual Report on Competition
Contribution to Asia-Pacific Economic Cooperation International Chamber of Commerce’s recommended framework for international best practices in competition law enforcement
Australian Competition and Consumer Commission video conference – July 2010
Australian Competition and Consumer Commission video conference – August 2010
International Competition Network cartel workshop session conducted by David Chrystall
International Competition Network cartel workshop conducted by David Peddie
Meeting with the Japan Fair Trade Commission
International Competition Network case resolution questionnaire
Visit to Australian Competition and Consumer Commission to learn about its intelligence function
Australian Competition and Consumer Commission video conference – December 2010
Information about New Zealand’s voluntary merger regime provided to the UK Business, Innovation and Skills Department
Meeting with delegation from Beijing Municipal Commission of Development and Reform
Presentation at Organisation for Economic Cooperation and Development conference Korea on Cartels
Response to Jersey Competition Regulatory Authority on merger notification procedures
International Competition Network cartel working group teleconference on cartel compliance programmes
Visit from MOFCOM (Chinese anti-monopoly bureau) to discuss merger issues
Organisation for Economic Cooperation and Development feedback questionnaire

Organisation for Economic Cooperation and Development competition law questionnaire
Submitted paper to Organisation for Economic Cooperation and Development on economic evidence in merger analysis
Submitted paper to Organisation for Economic Cooperation and Development on quantification of harm
Questionnaire on consumer welfare for International Competition Network conference
Meeting with Canadian Bureau of Competition to discuss recent amendments to their competition law and effective working relationships with public procurers
Information provided to the Uzbekistan Competition Authority on dominant firms and cartels
Visit by Dr Mark Berry to Taiwan Fair Trade Commission
Case Study for International Competition Network Cartels Manual chapter on case resolution
Global Competition Review questionnaire
International Competition Network Agency Effectiveness Working Group questionnaire on knowledge management
International Competition Network Cartels Working Group Sub Group 1 questionnaire about what the group should focus on over the coming year
Information to Chilean Competition Authority about dairy sector
International Competition Network teleconference presentation on outreach to public procurers
Australian Competition and Consumer Commission video conference - September 2010
Australian Competition and Consumer Commission video conference - March 2011
Organisation for Economic Cooperation and Development paper on promoting compliance with competition law for June 2011 meeting
Organisation for Economic Cooperation and Development paper on remedies in merger cases
International Competition Network 10th Annual Conference 17-20 May 2011, participation by Kate Morrison



## PUBLIC INFORMATION/EDUCATION

TOPIC	DATE
<b>MEDIA RELEASES - COMMERCE ACT</b>	
\$100,000 penalties imposed in Waikato pathology services case	23/07/2010
Commerce Commission files freight forwarding cartel proceedings and settles with two defendants	02/09/2010
Guidelines on recognising and deterring bid rigging released by Commerce Commission	03/09/2010
Wellington airport taxi arrangements unlikely to breach Commerce Act	10/09/2010
Commerce Act guidelines for trade associations released	14/09/2010
Scandinavian Tobacco granted clearance to merge its cigar and pipe tobacco businesses with Swedish Match	22/09/2010
Tyre traders admit price fixing on Trade Me	27/09/2010
Sanford Limited applies for clearance to acquire the Pacific Seafoods Group	29/09/2010
Statement of preliminary issues available for Sanford's clearance application	14/10/2010
AsureQuality and Proficiency Services apply for clearance to form a joint venture	15/10/2010
Commission ends plans to draft enforcement guidelines on misuse of market power	18/10/2010
Commerce Commission focuses on construction sector	19/10/2010
Pact Group subsidiary applies for clearance to acquire Tecpak Industries Limited	20/10/2010
Statement of preliminary issues available for AsureQuality Limited's and Proficiency Services Limited's clearance application	22/10/2010
Statement of preliminary issues available for Pact Group subsidiary's clearance application	29/10/2010
Waste oil price-fixing case settled out of court	05/11/2010
PMP Print applies for clearance to acquire heat set printing assets of APN Print	05/11/2010
Sanford granted clearance to acquire Pacifica Seafoods Group	11/11/2010
Statement of preliminary issues available for PMP's clearance application	16/11/2010
TEC Projects Limited granted clearance to buy Tecpak Industries Limited	18/11/2010
Sonoco applies for clearance to acquire T.T.L. Pacific	23/11/2010
Air ambulance companies warned over price fixing	24/11/2010
AsureQuality and Proficiency Services granted clearance to form a joint venture	24/11/2010
Statement of preliminary issues available for Sonoco's clearance application to acquire T.T.L Pacific	03/12/2010
Christchurch International Airport Limited applies for clearance to acquire Craddocks Car Storage	08/12/2010
Commerce Commission consulting on business competition guidelines	10/12/2010
Statement of preliminary issues available for Christchurch International Airport Limited's clearance application to acquire Craddocks Car Storage	13/12/2010
Commerce Commission grants clearance to PMP Print to acquire heat set printing assets of APN	16/12/2010
\$1.15m penalty in first freight forwarding cartel case	17/12/2010
\$3.65m in total penalties to date following second freight forwarding cartel case	22/12/2010
Fletcher Building applies for clearance to acquire Crane Group Limited	23/12/2010

TOPIC	DATE
Statement of preliminary issues available for Fletcher Building's clearance application to acquire Crane Group	20/01/2011
Christchurch International Airport Limited granted clearance to acquire Craddocks Car Storage	27/01/2011
Sonoco granted clearance to acquire T.T.L. Pacific	04/02/2011
Waters & Farr applies for clearance to acquire Fletcher Concrete's VT concrete pipe plant	09/02/2011
Cavalier Wool Holdings applies for authorisation to acquire New Zealand Wool Services International	09/02/2011
Commerce Commission grants clearance to Fletcher Building to acquire Crane Group	25/02/2011
Commerce Commission grant clearance to Interpipe to acquire Fletcher Concrete's Hamilton pipe plant	04/03/2011
Commerce Commission considers revoking Rugby Union decision	09/03/2011
Court of Appeal rules on use of confidentiality orders	11/03/2011
Settlements in cartel case as Commission prepares for Court	18/03/2011
Commerce Commission to examine whether a dairy price control inquiry is warranted	30/03/2011
Commerce Commission decides rugby union authorisation no longer required	01/04/2011
\$7.6 million in penalties imposed against two airlines in air cargo cartel case	05/04/2011
Commerce Commission issues draft determination on wool scouring assets application	13/04/2011
Record Commerce Act penalty against Telecom for price squeeze	19/04/2011
Commerce Commission narrows focus of air cargo cartel case before trial	20/04/2011
Airlines' information request case resolved	27/04/2011
Commerce Commission to hold conference on Cavalier Wool's application to take over New Zealand Wool Services International	02/05/2011
Commerce Commission appeals ruling in cardboard cartel case	06/05/2011
New Zealand Comfort Group applies for clearance to acquire Dunlop Living	06/05/2011
Court awards highest penalty to date in price fixing	12/05/2011
Statement of preliminary issues for New Zealand Comfort Group's clearance application to acquire Dunlop Living	13/05/2011
Commerce Commission authorises Cavalier Wool's purchase of Wool Services International's wool scouring assets	10/06/2011
\$5.2 million in new penalties for price fixing in freight forwarding industry	14/06/2011
Matariki Forests applies for clearance to acquire the Selwyn Plantation Board's forestry assets	23/06/2011
Commerce Commission grants Comfort Group clearance to acquire Dunlop Living	24/06/2011
Statement of preliminary issues for Matariki Forests' clearance application to acquire the Selwyn Plantation Board	29/06/2011

TOPIC	DATE
<b>MEDIA RELEASES - EIR ACT</b>	
Nil	

EVENT	DATE	TOPIC	SPEAKER
<b>PRESENTATIONS</b>			
Bridgestone central region meeting	20/07/2010	Fair Trading, CCCF and Commerce Acts	Greg Allan
Bridgestone southern region meeting	28/07/2010	Fair Trading, CCCF and Commerce Acts	Stuart Wallace
Trans Tasman Business Circle Wellington Boardroom Series Luncheon	27/08/2010		Dr Mark Berry
OrganicFarmsNZ Annual General Meeting	28/08/2010	Fair Trading and Commerce Acts	Greg Allan
Master Builders Federation	01/09/2010	Construction research findings	Nicky Beechey
Certified Builders Association of New Zealand	02/09/2010	Construction research findings	Nicky Beechey
Department of Building and Housing	20/09/2010	Construction research findings	Nicky Beechey
Christchurch Polytechnic Institute of Technology	21/09/2010	Getting it right	Stuart Wallace
Frame and Truss Manufacturers Association	30/09/2010	Collusive conduct awareness	Rebecca Blowes and David Chrystall
New Zealand Retailers Association	01/10/2010	Collusive conduct awareness	Kate Stringer and Grant Chamberlain
Physiotherapy New Zealand (NZ Society of Physiotherapists)	11/10/2010	Collusive conduct awareness	Andre Baldock and Barrie Sutton
Trade Me	12/10/2010	Collusive conduct awareness	Kate Stringer and Barrie Sutton
Windows Association of New Zealand	03/11/2010	Collusive conduct awareness	Grant Chamberlain
Glass Association of New Zealand (GANZ)	03/11/2010	Collusive conduct awareness	Grant Chamberlain
Ministry of Education	08/11/2010	Construction research findings	Nicky Beechey and Rebecca McAtamney
Construction Industry Council	18/11/2010	Construction research findings	Fazleen Ismail and Nicky Beechey
Meat Industry Association of New Zealand and New Zealand Beef & Lamb	19/11/2010	Collusive conduct awareness	Grant Chamberlain
New Zealand Metal Roofing Manufacturers Association	24/11/2010	Collusive conduct awareness	Grant Chamberlain
Institute of Refrigeration, Heating and Air Conditioning Engineers of New Zealand Inc.	24/11/2010	Collusive conduct awareness	Grant Chamberlain
Association of New Zealand Advertisers	24/11/2010	Collusive conduct awareness	Grant Chamberlain
New Zealand Trucking Association	27/11/2010	Collusive conduct awareness	David Peddie
Gas Association of New Zealand	03/12/2010	Collusive conduct awareness	David Peddie
Cement and Concrete Association of New Zealand	07/12/2010	Collusive conduct awareness	David Chrystall
New Zealand Coffee Roasters	07/12/2010	Collusive conduct awareness	Grant Chamberlain
Food and Grocery Council	07/12/2010	Collusive conduct awareness	David Peddie
Joint Procurers' Group	08/12/2010	Bid rigging in procurement	Rebecca McAtamney and Fazleen Ismail

EVENT	DATE	TOPIC	SPEAKER
Hospitality Association of New Zealand - Board	17/12/2010	Collusive conduct awareness	Grant Chamberlain and Barrie Sutton
Brightstar's 11th Annual Competition Law and Regulation Review Conference	14/02/2011	Keynote Commerce Commission address and an update on the Commission's activities	Sue Begg
Brightstar's 11th Annual Competition Law and Regulation Review Conference	15/02/2011	Effective interaction with the Commerce Commission	Kate Morrison
Liquefied Petroleum Gas Association - Executive Committee	21/02/2011	Collusive conduct awareness	Barrie Sutton and Mya Nguyen
Taiwan Fair Trade Commission	22/02/2011	The New Zealand approach to monopolisation, mergers and cartels	Dr Mark Berry
Taiwan Fair Trade Commission	23/02/2011	Recent developments in competition law and important cases, trends in merger enforcement, role on consumer protection, role in regulated industries	Dr Mark Berry
Motel Association of New Zealand (MANZ) - Management Board	28/02/2011	Collusive conduct awareness and Fair Trading awareness	Barrie Sutton and Steve Anthony
Marine Transport Assoc - Major fleet operators	10/03/2011	Collusive conduct awareness and Fair Trading awareness regarding Rugby World Cup 2011	Grant Chamberlain and Steve Anthony
Crown Law Office	23/03/2011	Introduction to enforcement and regulation	Mary-Anne Borrowdale and Rob Bernau
Master Plumbers, Gasfitters and Drainlayers Association	24/03/2011	Collusive conduct awareness	David Chrystall
Electrical Contractors Association of New Zealand (ECANZ)	29/03/2011	Collusive conduct awareness	David Chrystall
Auckland Commercial Group, Master Builders	30/03/2011	Construction research findings	Nicky Beechey and Barrie Sutton
Auckland Eastern Group, Master Builders	07/04/2011	Construction research findings	Nicky Beechey and Barrie Sutton
Wellington Branch, Master Builders	12/04/2011	Construction research findings	Nicky Beechey and Barrie Sutton
Auckland South, Master Builders	14/04/2011	Construction research findings	Nicky Beechey and Barrie Sutton
New Zealand Taxi Federation	28/04/2011	Collusive conduct awareness	Grant Chamberlain
Customs Brokers and freight Forwarders Federation of New Zealand	13/05/2011	Collusive conduct awareness	Grant Chamberlain and Steve Anthony
Motor Trade Association of New Zealand	18/05/2011	Collusive conduct awareness	Barrie Sutton
Otago District Law Society	18/05/2011	Collusive conduct awareness	David Peddie and Grant Chamberlain
Master Painters New Zealand	21/05/2011	Collusive conduct awareness	Barrie Sutton

EVENT	DATE	TOPIC	SPEAKER
New Zealand Icecream Manufacturers Association	26/05/2011	Collusive conduct awareness	David Chrystall
New Zealand Pine Manufacturers Association	26/05/2011	Collusive conduct awareness	Barrie Sutton
Auckland Branch, New Zealand Institute of Quantity Surveyors	26/05/2011	Construction research findings	Nicky Beechey and Barrie Sutton
National Annual Conference, New Zealand Institute of Quantity Surveyors	24/06/2011	Construction research findings	Nicky Beechey, Barrie Sutton and Kate Morrison

TITLE	RELEASE DATE
<b>PUBLICATIONS</b>	
How to recognise bid rigging fact sheet	03/09/2010
How to deter bid rigging fact sheet	03/09/2010
Guidelines for procurers – How to recognise and deter bid rigging	03/09/2010
Avoiding illegal agreements fact sheet	17/09/2010
Guidelines for trade associations	20/09/2010
Resale price maintenance fact sheet	01/02/2011
Cartel leniency policy and process guidelines	01/04/2011
Regulation of goods and services fact sheet	08/06/2011

#### REPORTS TO THE MINISTER

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nil			

## APPENDIX II - INFORMED CONSUMERS

### FAIR TRADING ACT CASES

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>RESOLVED WITHOUT FURTHER ENFORCEMENT ACTION</b>			
108 projects		All assessed further	Closed with no further action
<b>RESOLVED THROUGH ENFORCEMENT ACTION</b>			
Balmoral Homes Limited	ss13(f), (i), 14	Misleading representations that building contracts came with a Master Build Guarantee	Guilty pleas. Day and Jones both convicted and ordered to pay fines of \$15,000 each. Total reparation ordered of \$127,000 (including \$30,000 for emotional harm for 6 victims)
New Zealand Natural Care Products Limited		Alleged that trader misrepresented the amount of content in a capsule of its Best Health Royal Jelly product. The label claimed 12mg/capsule but test showed 9.3mg/capsule	Fined \$7,000
Love Springs Limited		Alleged that trader was making false representations concerning the nature of tap water	Injunction issued
1. Affinity Car Rental New Zealand Limited 2. Euro Car Rental New Zealand Limited 3. Kylee Harris 4. Gary Harris	s13(b), (d), (f), (g), (h), (i)	Alleged misleading representations that rental car hirers were responsible for damage and that some cars were late model when they weren't. Also charges levied which had not been disclosed in rental agreement	Fined a total of \$37,960. \$5,750 reparation to affected consumers
Progressive Enterprises Limited t/a Countdown	s17	Alleged misleading representation in relation to an offered prize, when competition had been closed for 6 weeks	Charges dismissed
Shell New Zealand Limited		Alleged that trader misrepresented the fuel economy benefits of a new fuel	Charges dismissed
Prokiwi International Limited	s13(j)	Alleged misleading representation as to the country of origin of soap	Fined \$48,000
Shim's International Limited	s13(a)	Alleged misleading claims on the labels of Royal jelly products	Fined \$6,000
Korea Health Limited and Sang Rae Kim	s13(a)	Alleged misleading claims on the labels of Royal jelly products	Korea Health Limited fined \$16,000, Sang Rae Kim fined \$12,000, plus costs
Healthyways Products Corporation Limited, Mr Sung Yub Paik	13(a)	Alleged misleading claims on the labels of Royal jelly products	Sung Yub Paik was fined \$12,750 after admitting to two Fair Trading Act charges

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
ANZ National Bank Limited and ING (NZ) Limited	ss10, 13(a), (b), (e)	Alleged misleading representations that the ING Diversified Yield Fund and Regular Income Fund were low to moderate risk investments (and a range of other verbal representations) when this was not the case.	Settlement - ING to refund \$45 million, and paid Commission costs of \$1 million
Honey New Zealand (International) Limited		Alleged that "Made in New Zealand" representations on Royal jelly products were misleading as the Royal jelly is imported	Fined \$11,400
Contact Energy Limited	13(g)	Alleged that trader is misleading consumers regarding price	Settlement - \$280,000 refund to consumers
Spazio Casa Limited	13(j)	Alleged misrepresentation about country of origin of products	Settlement - advertised apology and instruction for refunds
Ezy Buy Car Auctions Limited	s13(g)	Alleged misleading representation about the price of motor vehicles in that the trader advertised listed selling price when the motor vehicles were sold by auction	Warning
Noel Leeming Group Limited t/a Bond and Bond	s13(d)	Alleged misleading representation over sale of a microwave that was second-hand and had previously been returned to the shop as faulty	Warning
Vodafone New Zealand Limited	s13(g)	Alleged that Vodafone made misleading representations about the price of calls in that all calls are rounded to the nearest minute meaning that the advertised call prices are effectively unobtainable	Warning
Esplanade Realty Ltd t/a Tommy's Real Estate	s14(1), (b)	Alleged misleading pictorial representation about the views from advertised properties	Warning
Barfoot and Thompson Limited and Diana Cussen	s13(b)	Alleged misleading representations in a flyer which listed property sales and stated 'join [agent's name] Sold club' giving impression properties were sold by her when in fact several of the properties were sold by other agents	Warning
Two Degrees Mobile Limited	s13(g)	Alleged misleading representations in that advertising for 'Everyone 100 Pack' states that calls cost 30 cents per minute, however, calls are rounded up to the nearest minute so it is not possible to obtain the advertised price	Warning
SJ & SJ Mooney Limited t/a Manukau Subaru Specialists	s13(a)	Alleged that trader misrepresented the condition and quality of a vehicle	Warning
The Warehouse Group Limited t/a The Warehouse	s13(g)	Alleged misleading representations that the trader is selling the cheapest CDs in New Zealand when in fact a competitor is selling them at a lower price	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
New Zealand Newcan International Limited t/a G L Artworks Studios	s13(b), (j)	Alleged that website www.kiwipainting.co.nz is misleading consumers in a number of ways, including misrepresenting artists in question, and that paintings featured are somehow New Zealand in origin, when they mostly come from China	Warning
Rolling Hills Chicken Company Limited and Clarks Organic Butchery (2006) Limited	s13(a)	Alleged that trader represents all its products are certified organic when they are not	Warning
The Local Network Limited t/a Search Rank Results	s13(a)	Alleged that the trader is offering consumers exclusive rights to a key phrase giving them first ranking on a Google search when the phrase has been sold to a number of consumers. Also alleged that consumers are incurring the cost of a full year subscription as they were misled about when they must apply to cancel the 90-day trial period	Warning
Nova Gas Limited	s13(g)	Alleged that trader is misrepresenting price increase in relation to Emissions Trading Scheme (ETS) and GST	Warning
Pacific Brands Clothing New Zealand t/a Fairydown Bedware	s13(j)	Alleged that 'Made in New Zealand' advertising on clothing is likely to mislead as company is Australian owned and product is mainly manufactured in China	Warning
Holdfast NZ Limited	s13(e)	Alleged false and/or misleading claims by trader about its product being environmentally friendlier and no risk	Warning
T & G Limited t/a Wednesday Trader	s13(g)	Alleged misleading representation as to reason for price increase; was attributed to GST increase when increase was more than GST increase	Warning
Kate Irenmonger t/a Costume Cave	s13(g)	Alleged misleading representation as to reason for price increase; was attributed to GST increase when increase was more than GST increase	Warning
Fairfax New Zealand Limited t/a The Dominion Post	s13(g)	Alleged misleading representation as to reason for price increase of Dominion Post; was attributed to GST increase when increase was more than GST increase	Warning
Live Nation	s13(g)	Alleged misrepresentation about the price of goods (tickets to U2 concert)	Warning
Nakedbus NZ Limited	s13(g)	Alleged misrepresentation about the price of services	Warning



CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Avon City Motor Cycles Limited t/a Avon City Suzuki	ss10, 13(a)	Alleged that trader represented two model motor cycles as new, when they were not. One model was a 2007 model imported into New Zealand in January 2008 and sold as new in 2010. The other was a 2009 model imported into New Zealand on 15 June 2009	Warning
1 Tonne Motorcycle Apparel Limited	ss10, 13(g)	Alleged misrepresentation about recommended retail prices that it had never charged	Warning
Callplus Services Limited t/a Slingshot	s13(g)	Alleged misleading representations as to the price of broadband in that advertised \$30 per month price was only available for customers with their home line and calling charges with Slingshot	Warning
Central Finance and Investments Limited, Supa Auto Solutions and Gavin Marsich	s13(e), (i)	Alleged misleading representations about: <ul style="list-style-type: none"> <li>→ the savings achieved by a mortgage reduction plan provided by the trader;</li> <li>→ the trader being an agent for two Kiwisaver providers when that is not correct;</li> <li>→ the trader being a licensed motor vehicle dealer when its registration expired in 2008; and</li> <li>→ the trader being accredited to the Mortgage Industry Association of Australia when that is not correct</li> </ul>	Warning
Club Physical Holdings Limited	s13(g)	Alleged misleading representation regarding price of service. Trader advertised '29 days for just \$29' for 'first time users only' but had conditions in order to access the deal. A further fixed term contract had to be taken up	Warning
Colin Calcott (Hearing Aid Consultant)	ss9, 13(e)	Alleged misleading representation of the nature of a discount, by claiming it to be a subsidy	Warning
Freehold Express Limited	s13(e)	Alleged misleading representations as to the benefit of financial advice that will supposedly reduce mortgage payments	Warning
Gourmet Foods Limited t/a Ponsonby Pies	s13(a)	Alleged misleading representation that pies do not contain additives or preservatives when this is not correct	Warning
Gun City Limited	s13(g)	Alleged misleading representations that some price savings on 'was' price or recommended retail prices were overstated	Warning
Harvey Norman Stores (NZ) Pty Limited	s13(g)	Alleged false or misleading representations in price comparisons of GPS units	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
John Illkiw t/a Hot Fix	s13(e)	Alleged misleading representation that trader was a member of the New Zealand Home Heating Association or New Zealand Solid Fuel Heating Association	Warning
Nappies for Less Limited and Waysoft Limited t/a Baby Online	s13(i)	Alleged that trader is misleading consumers about their rights under the Consumer Guarantees Act	Warning
Noel Leeming Group Limited t/a Noel Leeming	s13(g)	Alleged that trader would not honour price match representation and Fly Buys	Warning
Paul Mizow t/a White Smile Clinic	s11	Alleged that trader is misleading consumers about location of stores, nature of services, qualifications of employees and endorsement/ testimonials	Warning
Redpaths Furniture Limited	s13(i)	Alleged that sales documentation may mislead consumers as to their rights under the Consumer Guarantees Act	Warning
Specsavers Optical Group Limited	s13(g)	Alleged misleading representation about a 'free' product promotion	Warning
Web Watches Limited	ss10, 13(g)	Alleged that trader is misrepresenting the recommended retail price and inflating the prices of their products advertised on Trade Me for online auctions	Warning
Yiyan He t/a artliving	s13(a)	Alleged misleading representations as to the quantity of goose down in duvets sold on Trade Me	Warning
View Build Limited	ss10, 13(g), 17(a)	Alleged that trader has failed to adequately disclose important terms and conditions that materially changed the offer	Warning
The Pearl Centre Limited t/a Pounamu Pearl	s13(a)	Alleged misleading representation of bangle sold as pounamu (NZ greenstone) when in fact the bangle was made in Siberia from another type of stone	Warning
The Oceania Jade Company Limited t/a Oceania Jade	s13(a), (j)	Alleged misleading representation of a bangle as NZ greenstone when in fact it was British Columbian jade	Warning
Flair Furnishers Limited	s13(g)	Alleged misleading representation as to savings in a sale. Trader advertised 60-70% off sale but most items were 20% off	Warning
Readers Digest Pty Limited t/a Readers Digest New Zealand	s13(c)	Alleged misleading false or misleading representations in that customers were told they had agreed to acquire goods when they had not	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Steve Evans t/a Sheeprus	ss10, 13(a), (b), (e), (f), (j)	Alleged that trader is making various misrepresentations in relation to the sale of hens, including their age and egg laying ability	Warning
Samurai Motors Limited ('royalmotors')	ss10, 13(g)	Alleged that trader is 'price jacking' on his own auction to raise the price of the vehicle advertised, and then offering the vehicle to the next highest bidder	Warning
Pacific Coast Realty	s9	Alleged that trader advertised properties they had sold, when in fact they were sold by another party	Warning
Synergy Group NZ Limited	ss10, 13(a), (e)	Alleged misleading representation as to benefits of protection card product for mobile phones called Cell Guard, in that the trader claims it provides protection for the body from radiation emissions	Warning
The Goldsmith Limited t/a The Goldsmith Jewellery Design House	ss10, 13(a), (g)	Alleged misleading representations as to savings in a sale, and valuations of rings. Trader advertised 50% off sale. Ring valuation by trader was \$6,500 but independent valuation was \$3,500. Also represented total weight of ring as 3.7grams, when independent weight was 2.52grams. Second allegation of a ring with trader valuation of \$13,000 and independent valuation of \$9,000	Warning
Big Save Limited t/a Big Save Furniture	ss9, 13(a), (g), (f)	Alleged misleading representation that a sofa sold by the trader for \$1,699 was the same as one sold by a competitor for \$2,199	Warning
Corporate Direct Wines 2008 Limited	s13(a), (e), (g)	Alleged misleading representation on trader's website of a 2009 Pinot Noir wine as being a gold medal winner (2010 London International Wine Show and New Zealand International Wine Show). The wine had been relabelled for sale, and is not the same as that which won the awards. Also the 'estimated retail price' of \$49, which is discounted to \$19.99 on the website, is not true	Warning
Living Longer New Zealand Limited	s11	Alleged false representation regarding reason for visiting address in cold call telephone call, claiming it was a clean air survey. In fact the representative was selling vacuum cleaners	Warning
Intrepid Travel New Zealand Limited	ss11, 13(b)	Alleged misleading representation as to nature of, and conditions attached to a travel promotion on The Edge radio station	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Spotless Services (NZ) Limited	ss10, 13(g)	Alleged misrepresentation of the reason for a 15% surcharge at Westpac Stadium for food and alcohol sold on a public holiday (Waitangi Day). Surcharge is not passed on to staff as Holidays Act does not apply to a majority of staff	Warning
Carter Holt Harvey Limited	s13(a)	Alleged that MPG8 timber does not have grading marks, indicating that it may not be MPG8 standard	Warning
Safeworx Limited	s13(e), (j)	Alleged misrepresentation in relation to ARC Flash hazard resistant clothing that had no country of origin label	Warning
Advanced International Cleaning Systems (NZ) Limited	s13(f)	Alleged that trader falsely claimed affiliations with "green" associations	Warning
Number One Shoes Limited t/a Number One Shoes	s13(a)	Alleged misleading representation that roman sandals have a full grain genuine leather upper when in fact they are made of corrected grain leather	Warning
Compliance advice		194 projects closed by issue of compliance advice letters	

**CORRECTION:** In the 2007/08 annual report it was documented that Barry Roberts (Chemist) Limited was warned for an alleged breach of the Fair Trading Act 1986. The correct entry should have been Lamiv Limited, trading as Barry Roberts Chemist.

Barry Roberts (Chemist) Limited and Mr Barry Roberts were no longer involved in Barry Roberts Chemist at the time of the alleged offence.

## PRODUCT SAFETY AND INFORMATION STANDARDS CASES

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>RESOLVED WITHOUT FURTHER ENFORCEMENT ACTION</b>			
No further action		13 projects assessed further and closed with no further action	
<b>RESOLVED THROUGH ENFORCEMENT ACTION</b>			
GM Car Wholesalers Limited	ss13(a), 28(1)	Alleged that trader is providing false information in consumer information notices	Settlement
Martin King t/a marty-k (Trade Me)	s30	Alleged that trader sold a cot on Trade Me that failed to comply with product safety standards. Had been removed twice by Trade Me as it failed to comply and trader was advised of reason	Warning
Matthew Washer t/a mattwash (Trade Me) Justin Van Malland t/a leahv46 (Trade Me)	s30	Allegedly advertised and sold a cot on Trade Me that failed to comply with product safety standards due to a foothold between 150mm and 550mm above mattress base	Warning
Justin Van Malland t/a leahv46 (Trade Me)	s28(1)	Alleged that as trader has sold more than six motor vehicles in the past 12 months, he is a motor vehicle trader. As a motor vehicle trader he must provide consumer information notices, which he did not. Also misleading representations in questions and answers on Trade Me.	Warning
Arya Automotive Limited	s28(1)	Alleged that trader who is a registered used motor vehicle trader is displaying vehicles for sale without consumer information notices	Warning
American Customs and Classics	s28(1)	Alleged trader in breach of consumer information standards for used motor vehicles	Warning
David37 (Trade Me)	ss27, 28(1)	Alleged trader in breach of consumer information standards for used motor vehicles	Warning
Bling Bling Motor Co Limited t/a blingbling376	ss27, 28	Alleged that trader was not displaying consumer information notices on vehicles advertised for sale on Trade Me	Warning
Briscoe Group Limited and PRV Pawson Reid Velo Limited	ss27, 28	Alleged trader selling items in Rotorua and Wellington stores which are not compliant with consumer information standards for country of origin, care labelling and fibre content standards	Warning
Deals on Wheels Motor Group Limited	ss27, 28	Alleged that trader failed to provide a consumer information notice, or access to one, in connection with the sale of a motor vehicle	Warning
Ezygo Vehicle Wholesale Limited t/a teambuy	ss27, 28	Alleged that trader failed to display consumer information notices on used motor vehicles advertised and sold via online auction on Trade Me	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Frontier International Trading Limited	ss27, 28	Alleged trader is currently displaying and selling scarves, pash minas and cushion covers that do not meet the consumer information standard requirements	Warning
Kiwi Wholesale Cars Limited	ss27, 28	Alleged trader failed to display consumer information notices on used motor vehicles advertised and sold via online auction on Trade Me	Warning
LL Trading Group Limited t/a Mummy Love Kidz	ss27, 28	Alleged that the trader is selling children's nightwear that is not labelled in accordance with the children's nightwear product safety standard	Warning
Tessa Gardner t/a karma101	s30	Alleged that seller was selling a cot that fails to comply with the Cot Safety Standards	Warning
Warren Burgess t/a tidyup	s30	Alleged that seller was selling a cot that does not comply with the product Safety Standards	Warning
David Shen t/a David37	ss27, 28	Alleged that trader failed to display consumer information notices on used motor vehicles advertised and sold via online auction on Trade Me	
Wendy Yang t/a wendy3456	s30	Alleged cot sold on Trade Me failed to comply with product safety standards	Warning
Stafford Enterprises t/a Stafford Cars	ss27, 28	Alleged that trader provided false information in consumer information notice	Warning
JPN Limited t/a JPN Cars	s30	Alleged that trader provided false information in consumer information notice.	Warning
Modes of Broadway Limited	s27	Alleged that trader is selling clothing that does not have the care labelling and fibre content labelling required by consumer information standards. It is further alleged that trader is taking orders for garments to be made by the complainant but making the garments itself	Warning
John Van Der Hoven t/a 'laude'	s30	Alleged that trader advertised and sold a cot that did not comply with the product safety standards	Warning
Mike Young t/a mike888	s30	Alleged that trader is selling cots that do not comply with the product safety standards	Warning
Sunrise Motor Group Limited, Surya Kumar	28(1)	Alleged that trader provided false information in consumer information notice	Sunrise fined \$19,200, Kumar Fined \$6,900
Compliance advice		39 projects closed by issue of compliance advice letters	

## CCCF ACT CASES

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>RESOLVED WITHOUT FURTHER ENFORCEMENT ACTION</b>			
No further action		6 projects assessed further and closed with no further action	
<b>RESOLVED THROUGH ENFORCEMENT ACTION</b>			
Budget Loans Limited	s13(i) Fair Trading Act	Misleading representations that creditor has the right to charge undisclosed credit fees, to charge default interest and fees after the sale of repossessed secured items, which is prohibited under the Contractual Remedies Act, that it has the right to attach its security interest to after-acquired consumer goods without specific appropriation despite s44 of the Personal Property Securities Act.	Litigation resolved. Creditor fined \$30,750.  The creditor reversed or refunded around \$500,000 in overcharged interest and fees. During the Commission's investigation Budget Loans also voluntarily reversed or refunded an additional \$571,000 to its debtors in relation to credit fees that were not the subject of this case
Propertyfinance Securities Limited New Zealand Guardian Trust Company Limited	ss51, 13(g) Fair Trading Act	Alleged misleading representation as to the full prepayment formula applied in that the creditor stated in the disclosure it would use the safe harbour formula when in fact it applied a formula based on bank swap rates	Settlement
PSIS Limited	ss54, 13(g) Fair Trading Act	Alleged that creditor charged an incorrect estimate of its loss on full prepayment	Warning
NZF Money Limited	ss32, 42, 54	Alleged that creditor charged debtors an unreasonable credit fee upon full prepayment that exceeded the creditor's reasonable estimate of loss	Warning
Avanti Finance Limited	ss51, 54	Alleged that creditor charged debtors an unreasonable estimate of creditor's loss upon full prepayment, and made misleading representations as to the characteristics of the formula used to calculate the estimate of loss	Creditor found not guilty in District Court in 2009. Commission appeal to High Court dismissed
Discount Direct Limited	s17	Alleged that creditor was not providing full initial disclosure	Warning
The Easy Christmas Loan Company Limited	ss17, 41-45	Alleged that creditor was charging debtors unreasonable credit fees and not providing full initial disclosure	Warning
The Easy Christmas Loan Company Limited	ss17, 44	Alleged that creditor was not providing full initial disclosure and was charging unreasonable credit fees	Warning
Discount Direct Limited	s17	Alleged that creditor was not providing full initial disclosure	Warning

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Derek Hooper Limited t/a Chainey's	ss17, 37, 38, 39, 46	Alleged that creditor was not providing full disclosure and was not correctly calculating interest	Warning
HB Finance Limited	ss41, 42, 70	Alleged that creditor's disclosure did not meet the disclosure standard as it did not disclose that actual initial unpaid balance	Warning
Horizon Motors (2006) Limited	s17	Alleged that creditor was not providing full initial disclosure and misrepresenting customer finance details to third party lender	Warning
Lifestyle Photographics Pty Limited t/a Expression Sessions	ss13(i) Fair Trading Act	Alleged that creditor was not providing full initial disclosure	Warning
Lion Finance Pty Limited and Lion Finance (NZ) Limited	ss41, 44	Alleged that the collection fee added by Collection House, being 35% of the outstanding balance plus GST, may be an unreasonable credit fee	Warning
Nelson City Council – Solar Loan Scheme	ss17, 41, 51, 13(g), (i) Fair Trading Act	Alleged that the city council, in providing loans to ratepayers for solar heating systems is running a loan scheme and that these consumer credit contracts do not comply with a number of sections of the Act including providing full initial disclosure and the full prepayment provisions	Warning
Scott Williams Motors Limited	s17	Alleged that creditor did not provide full initial disclosure	Warning
Impact Door to Door Limited	ss10, 13 Fair Trading Act	Alleged that the creditor, a mobile shop operator, did not provide initial disclosure	Warning
Bruce Smart t/a The Vacuum Cleaner Man	ss17 CCCF Act, 13(i) Fair Trading Act	Alleged that creditor did not provide full initial disclosure and made a misleading representation as to the right to the refund of an overpayment	Warning
Jamie Tremaine t/a Money 4U – Easy Cash	ss42, 44	Alleged that creditor did not provide full initial disclosure and charged unreasonable fees	Warning
House 2 Home Limited	ss17 CCCF Act, 18, 24, 51 and 13(i), 11 Fair Trading Act	Alleged that the creditor: failed to provide full initial disclosure and request disclosure; charged an unreasonable estimate of its loss on full prepayment (1% of unpaid balance); made misleading representations as to its right to charge the full prepayment fee; and misled debtors as to the nature of the consumer credit contract.	Warning
Advanced Medical Institute (NZ) Limited	ss17 CCCF Act, 13(i) Fair Trading Act	Allegation that creditor did not provide initial disclosure and made a misleading representation as to its right to charge a cancellation fee	Warning
Compliance Advice		12 projects closed by issue of compliance advice letters	



## FRAMEWORK DEVELOPMENT

<b>DEVELOPMENT OR REVIEW OF GUIDELINES, INDUSTRY CODES OR FRAMEWORKS - FAIR TRADING ACT</b>
Guidelines for bundling telecommunications products
Special offers and competitions fact sheet
Debt collecting fact sheet
Comments provided on proposed changes by Standards New Zealand on the Australia/New Zealand Food Standards Code
Comments provided on the Advertising Standards Authority Code on advertising of liquor
Review of the Medical Council's Statement on Cosmetic Procedures
Advice to New Zealand Food and Grocery Council on proposed voluntary standard on olive oil
Claiming something you're not fact sheet
Draft Code of Professional Conduct for Veterinarians
Jargon, exaggerations and puffery fact sheet
Jewellery Industry Code of Conduct
NZ Winegrowers Code
Request from Jewellery and Watchmakers Association to review their Code of Conduct
<b>DEVELOPMENT OR REVIEW OF GUIDELINES, INDUSTRY CODES OR FRAMEWORKS - CCCF ACT</b>
Rugby World Cup 2011 - CCCF Act Issues and Payment Plan
Debt Collection
Lower Tier Lender Project
Public Info Scoping Project
<b>PROVISION OF ADVICE TO INFORM GOVERNMENT POLICY AND LAW REFORM PROCESSES - FAIR TRADING ACT</b>
Fair Trading Act Amendments - Submission on consumer law reform discussion paper
Fair Trading Act Amendments - Verbal recommendations/opinions discussion on law reform paper
Fair Trading Act Amendments - Referencing Good Faith
Fair Trading Act Amendments - Unconscionability submission
Fair Trading Act Amendments - Progressive judgment submission
Inter-departmental consultation draft cabinet paper for economic growth and infrastructure cabinet committee - Building Amendment Bill
Food Standards Australia New Zealand Health and Nutrition Standard (P293)
Input provided to Ministry of Consumer Affairs for Ministerial on a Spec Savers complaint
Advice to Food Safety Australia New Zealand on hemp labelling
Ministry of Consumer Affairs - review paper on Consumer Product Safety - limits on the migration of lead and other heavy metals in children's toys
Standards New Zealand request on input into a proposed energy standard
Advice to Ministry of Consumer Affairs on a Ministerial on country of origin labelling

Advice requested for meeting with Ministry of Consumer Affairs on 29 March 2011 to submit on drafting changes to Parliamentary Counsel Office's Consumer Law Reform Bill
Advice to Ministry of Agriculture and Forestry on labelling of industrial hemp products
Advice to Ministry of Internal Affairs, Cook Islands on 'best before' dates on non-perishable foods
Anti-counterfeiting agreement and Cabinet papers - advice to Ministry of Economic Development
Briefing to the Ministry of Consumer Affairs on 'bi-cast' leather issues
Comment to Ministry of Consumer Affairs on Consumer Law Reform
Further advice to Ministry of Consumer Affairs on a Ministerial (Natural Products New Zealand)
Input to Food Labelling Review (New Zealand position paper and cabinet paper - Ministry of Agriculture and Forestry)
Ministry of Agriculture and Forestry /New Zealand Food Safety Authority meeting on food labelling
Ministerial from Ministry of Economic Development on a complaint from a tourist operator re Stewart Island (Fair Trading and Commerce Act issues)
Recommendations submitted to Ministry of Economic Development for Ministry of Justice Statutes Amendment Bill
Request by Ministry of Agriculture and Forestry for information on Manuka honey issues
Provided views to Government and industry on vehicle pricing issues
<b>PROVISION OF ADVICE TO INFORM GOVERNMENT POLICY AND LAW REFORM PROCESSES - CCCF ACT</b>
Ministry of Consumer Affairs - Review of the CCCF Act
Banking Ombudsman 2010 - Compliance with Financial Service Providers (Registration & Dispute Resolution) Act 2008
Review of Securities Law
Proposed Financial Disclosure regulations for Financial Advisers Act - stakeholder consultation
Privacy Commissioner and Credit Reporting Privacy Code 2004
Consumer Guarantees Amendment Bill
Submission on Consumer Law Review to Ministry of Consumer Affairs
Ministry of Consumer Affairs - Review of the CCCF Act - Discussion 1
Advice to Officials - Inland Revenue - Student Loans
Advice to Officials - Financial Advisor Legislation and Regulations
Ministry of Consumer Affairs - Review of the CCCF Act - Discussion 2
Financial Advisor Legislation and Regulations - review of Code of Professional Conduct for Authorised Financial Advisers
Review of Banking Code of Practice
Advice to Ministry of Consumer Affairs regarding credit fees information
Review of draft code of Responsible Lending (Financial Services Federation)
Review of credit reporting code
Securities Law Reform

### INTERNATIONAL INFORMATION EXCHANGE AND LIAISON - FAIR TRADING ACT

Australian Competition and Consumer Commission request on individual and his company

Australian Competition and Consumer Commission request on an organics issue

Australian Competition and Consumer Commission discussion on possible pyramid scheme

Australian Competition and Consumer Commission request for information on a company and its directors

Canadian Competition Bureau request for information on a Consumer Forum

United States Federal Trade Commission enquiry about an international credit card scam

Ministry of Justice, Victoria, enquiry about an individual and his company

Australian Competition and Consumer Commission request on information about Emissions Trading Scheme in New Zealand

Competition Bureau Canada- request for information on an individual

Competition Bureau Canada - enquiry about individuals and companies promoting a number of products (Dazzle White, Acai Berry products etc)

The Netherlands Consumer Authority request for information on a scheme operating in Europe

Advisory Group International Consumer Protection and Enforcement Network teleconference call

Advisory Group International Consumer Protection and Enforcement Network teleconference call

Egyptian Consumer Protection Agency enquiry on warranties and guarantees

Australian Competition and Consumer Commission, Netherlands Consumer Authority and United Kingdom agencies enquiries on Yellow Pages scam

Australian Competition and Consumer Commission request for information on our rental car prosecutions

International Consumer Protection and Enforcement Network teleconference call on performance measurement (presentation by the United Kingdom Office of Fair Trading)

Cook Islands Ministry of Internal Affairs Discussion

Ministry of Internal Affairs in Rarotonga visit

Canadian Competition Bureau questions on labelling of textiles and consumer packaging

New Zealand Combined Law Agency Group Symposium

Monthly Fair Trading Operational Group with state and federal Offices of Fair Trading in Australia - July 2010

Monthly Fair Trading Operational Group with state and federal Offices of Fair Trading in Australia - September 2010

Monthly Fair Trading Operational Group with state and federal Offices of Fair Trading in Australia - October 2010

New Zealand Combined Law Agency Group HQ Monthly - August 2010

New Zealand Combined Law Agency Group HQ Monthly - September 2010

New Zealand Combined Law Agency Group HQ Monthly - October 2010

International Consumer Protection and Enforcement Network - organising and attendance at annual conference in November 2010

Information requested from Norwegian Consumer Authority on the Euroteam scam

Information requested from Australian Competition and Consumer Commission on 'slimming' product
Information requested from Australian Competition and Consumer Commission on International Masters Publishers Pty Limited
Australian Competition and Consumer Commission request for information on Rugby World Cup 2011 accreditation in New Zealand
Teleconference with Australian Competition and Consumer Commission and Competition Bureau Canada on International Consumer Protection and Enforcement Network Intelligence Working Group
Information requested from Australian Competition and Consumer Commission about Rugby World Cup 2011 complaints received
Information requested from Norwegian Consumer Authority on Spec Savers
Teleconference with Australian Competition and Consumer Commission on Food Standards Australia New Zealand P293 Health and Nutrition Standard
Teleconference on International Consumer Protection and Enforcement Network intelligence case study (Yellow Pages pro-forma invoicing)
International Consumer Protection and Enforcement Network teleconference call on Rugby World Cup 2011 template media release
International Consumer Protection and Enforcement Network intelligence working group teleconference
International Consumer Protection and Enforcement Network intelligence report on top five issues in New Zealand
International Consumer Protection and Enforcement Network annual national report submitted
International Consumer Protection and Enforcement Network advisory group - input into upcoming conference agenda
Office of Fair Trading consultation paper on setting priorities
Information request from the Panama Consumer Protection Authority
International Consumer Protection and Enforcement Network advisory group meeting - November 2010
International Consumer Protection and Enforcement Network advisory group teleconference - December 2010
International Consumer Protection and Enforcement Network advisory group meeting - January 2011
Fair Trading Operations Group (Australia) teleconference regarding ongoing issues - November 2010
Fair Trading Operations Group (Australia) teleconference regarding ongoing issues - December 2010
Fair Trading Operations Group (Australia) teleconference regarding ongoing issues - February 2011
International Consumer Protection and Enforcement Network intelligence working group teleconference January 2010 (New Zealand, Australia and Canada)
Teleconference meeting on International Consumer Protection and Enforcement Network alerts project November 2010 (Australia, New Zealand and Germany)
Request to Australian Competition and Consumer Commission for financial and company information in respect to an individual being prosecuted
Request from Australian Competition and Consumer Commission to Commerce Commission about TicketFinders (Rugby World Cup 2011)
Request from Australian Competition and Consumer Commission to Commerce Commission on Euroteam (Rugby World Cup 2011)
Request from Consumer Authority Sweden to New Zealand on air carriage under the Montreal Convention
Request to Australian Competition and Consumer Commission on Consumer Guarantees Act

Australian Competition and Consumer Commission and Competition Bureau Canada - information exchange teleconference
Australian Competition and Consumer Commission teleconference - May 2011
Advice to Ministry of Consumer Affairs for Organisation for Economic Cooperation and Development consumer survey
Alert from Australian Competition and Consumer Commission on Sensalin franchise
Alert posted on secure International Consumer Protection and Enforcement Network intranet informing regulators about Crystal Medical
Australian Securities and Investments Commission request for information about our leniency policy
Commerce Commission media release on the 'DNA scam' posted on International Consumer Protection and Enforcement Network internet
Consumer 2011 conference - Sydney
International Consumer Protection and Enforcement Network - final advisory group teleconference
International Consumer Protection and Enforcement Network advisory group meeting - March 2011
International Consumer Protection and Enforcement Network advisory group meeting - April 2011
International Consumer Protection and Enforcement Network conference in the Hague - April 2011
International Consumer Protection and Enforcement Network - final advisory group teleconference - June 2011
International Consumer Protection and Enforcement Network advisory group meeting - June 2011
Information request Australian Competition and Consumer Commission on Advanced Medical Institute
Information request International Consumer Protection and Enforcement Network on motor vehicles (faults & hidden defects)
Information request to Australian Competition and Consumer Commission on Advanced Medical Institute
Information request to Luxembourg and Poland on telecommunications
Information request to the Netherlands on car seat testing
Request from Belgium for information on privacy protection.org and directi.com
Request Federal Trade Commission on the non-lionising franchise
Request to Australian Competition and Consumer Commission on Microsoft 'scam'
Update to Australian Competition and Consumer Commission on Intelligence
<b>INTERNATIONAL INFORMATION EXCHANGE AND LIAISON - CCCF ACT</b>
Teleconference on debt collection with Australian Securities and Investment Commission
Teleconference with Australian Securities and Investments Commission on debt collection issues - October 2010

## PUBLIC INFORMATION/EDUCATION – FAIR TRADING

TOPIC	DATE
<b>MEDIA RELEASES – FAIR TRADING ACT</b>	
Commerce Commission urges caution again over holiday vouchers	19/07/2010
Commerce Commission directs payment of \$45 million to ANZ/ING investors	21/07/2010
Beware of credit card scam	23/07/2010
Budget Loans pleads guilty to misleading – \$500,000 returned to consumers	26/07/2010
Souvenir company fined for misleading ‘New Zealand made’ claims	09/08/2010
Court of Appeal clarifies intention under the Fair Trading Act	19/08/2010
Warning for Trade Me car advertisers	20/08/2010
Fair Trading Act guidelines for bundled telecommunications products issued	20/08/2010
Rental car companies and directors fined for misleading consumers	01/09/2010
Balmoral Homes directors fined and ordered to pay reparation for Fair Trading Act breaches	01/09/2010
Fines for another company peddling royal jelly using false claims	29/09/2010
Methven pleads guilty to misleading consumers over shower water and energy savings	04/10/2010
Businesses reminded not to mislead over GST pricing increases	08/10/2010
Company director and car dealership fined for misleading about damaged vehicles	12/10/2010
Businesses reminded not to mislead over public holiday surcharge	21/10/2010
Rugby World Cup – Commerce Commission focuses on fair play	01/11/2010
Extremely high lead levels in toys prompt investigation and consumer alert	15/12/2010
Commerce Commission warns all that glitters isn’t gold	20/12/2010
More false royal jelly claims see trader fined \$12,750	18/01/2011
Fans warned not to be let down by scam Rugby World Cup 2011 ticket offers	20/01/2011
Bathroom and kitchen supplier settles over misleading customers	17/03/2011
Promoter of property schemes to pay reparation for Fair Trading Act breaches	06/04/2011
Don’t fall for DNA scam	07/04/2011
Another company fined for misleading representation of royal jelly	30/05/2011
Contact Energy to refund overcharged customers \$280,000 for Fair Trading breaches	17/06/2011

TOPIC	DATE
<b>MEDIA RELEASES – CCCF ACT</b>	
Refunds for second tier home loan borrowers	21/10/2010
Bluestone applications declined	29/10/2010
Relief for Cantabrians facing debt problems after quakes	15/11/2010
Southern Cross Finance to refund almost \$700,000 in unreasonable loan establishment fees	03/02/2011

EVENT	DATE	TOPIC	SPEAKER
<b>PRESENTATIONS - FAIR TRADING ACT</b>			
Bridgestone central region meeting	20/07/2010	Fair Trading, CCCF and Commerce Acts	Greg Allan
Bridgestone southern region meeting	28/07/2010	Fair Trading, CCCF and Commerce Acts	Stuart Wallace
New Zealand Juice and Beverage Association Industry Compliance Committee	17/08/2010		Yvette Popovic and Steve Anthony
Trans Tasman Business Circle Wellington Boardroom Series Luncheon	27/08/2010		Dr Mark Berry
OrganicFarmsNZ	28/08/2010	Annual General Meeting (Hamilton) Fair Trading and Commerce Act	Greg Allan
Christchurch Polytechnic Institute of Technology	21/09/2010	Getting it Right	Stuart Wallace
Trade Me	12/10/2010	Collusive conduct awareness	Kate Stringer and Barrie Sutton
Frame and Truss Association	30/10/2010	Collusive conduct awareness	Rebecca Blowes and David Chrystall
New Zealand Retailers Association	01/10/2010	Collusive conduct awareness	Kate Stringer and Grant Chamberlain
Physiotherapy New Zealand (NZ Society of Physiotherapists)	11/10/2010	Collusive conduct awareness	Andre Baldock and Barrie Sutton
Consumer Information Day Porirua	30/11/2010	Fair Trading and CCCF Acts	Greg Allan
Windows Association of New Zealand	03/11/2010	Collusive conduct awareness and Fair Trading Act	Grant Chamberlain
GANZ - Glass Association of New Zealand	03/11/2010	Collusive conduct awareness and Fair Trading Act	Grant Chamberlain
Meat Industry Association of New Zealand and New Zealand Beef & Lamb	19/11/2010	Collusive conduct awareness and Fair Trading Act	Grant Chamberlain
Institute of Refrigeration, Heating and Air Conditioning Engineers of New Zealand Inc. (IRHACE)	24/11/2010	Collusive conduct awareness and Fair Trading Act	Grant Chamberlain
New Zealand Metal Roofing Manufacturers Association	24/11/2010	Collusive conduct awareness and Fair Trading Act	Grant Chamberlain
Association of New Zealand Advertisers	24/11/2010	Collusive conduct awareness and Fair Trading Act	Grant Chamberlain
Cement and Concrete Association of New Zealand	07/12/2010	Collusive conduct awareness and Fair Trading Act	David Crystal
New Zealand Coffee Roasters	07/12/2010	Collusive conduct awareness and Fair Trading Act	Grant Chamberlain
Brightstar's 11th Annual Competition Law and Regulation Review Conference	14/02/2011	Keynote Commerce Commission address and an update on the Commission's activities	Sue Begg
Motel Association of New Zealand (MANZ) - Management Board	28/02/2011	Collusive conduct awareness and Fair Trading Act	Barrie Sutton and Steve Anthony

EVENT	DATE	TOPIC	SPEAKER
Marine Transport Association - major fleet operators	10/03/2011	Collusive conduct awareness and Fair Trading Act awareness regarding Rugby World Cup 2011	Grant Chamberlain and Steve Anthony
Customs Brokers and Freight Forwarders Federation of New Zealand	13/05/2011	Collusive conduct awareness	Grant Chamberlain and Steve Anthony
New Zealand Retail	17/05/2011	Topical issues	Yvette Popovic and Greg Allan
Consumer Rights Day - South Auckland	20/05/2011	Consumer rights	Jennifer Davies and Greg Allan
Consumer Rights Day - Gisborne	25/05/2011	Consumer rights	Greg Allan
Consumer Rights Day - Napier	26/05/2011	Consumer rights	Greg Allan
Consumer Rights Day - Kaitaia	08/06/2011	Consumer rights	Peter Simpson and Greg Allan
Consumer Rights Day - Whangarei	09/06/2011	Consumer rights	Graham Gill

EVENT	DATE	TOPIC	SPEAKER
<b>PRESENTATIONS - CCCF ACT</b>			
Bridgestone - central region meeting	20/07/2010	Fair Trading, CCCF and Commerce Acts	Greg Allan
Bridgestone - southern region meeting	28/07/2010	Fair Trading, CCCF and Commerce Acts	Stuart Wallace
Trans Tasman Business Circle Wellington Boardroom Series Luncheon	27/08/2010		Dr Mark Berry
Brightstar's 11th Annual Competition Law and Regulation Review Conference	14/02/2011	Keynote Commerce Commission address and an update on the Commission's activities	Sue Begg
BNZ	30/05/2011	Stakeholder engagement meeting to discuss matters of mutual interest	Graham Gill, Fiona Hall and Jennifer Davies



TITLE	RELEASE DATE
<b>PUBLICATIONS - FAIR TRADING ACT</b>	
Special offers and competitions	13/08/2010
Debt collecting	13/08/2010
Guidelines for bundling telecommunications products	20/08/2010
Rugby World Cup 2011 - Is your business playing by the rules?	01/02/2011
Misleading consumers about their rights	01/03/2011
Pro-forma invoicing, inertia selling and other unfair sales techniques	01/03/2011
Claiming you're something you're not	01/03/2011
Jargon, exaggerations and puffery	01/03/2011
Buying goods and services in New Zealand: know your rights	01/04/2011

TITLE	RELEASE DATE
<b>PUBLICATIONS - CCCF ACT</b>	
Nil	

## APPENDIX III - DAIRY

### INVESTIGATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ENFORCEMENT CASES RESOLVED WITHOUT FURTHER ENFORCEMENT ACTION</b>			
Larkhall Limited	s95	Allegation that Fonterra had refused to accept an application to become a shareholding farmer	No further action
<b>ENFORCEMENT CASES RESOLVED THROUGH ENFORCEMENT ACTION</b>			
Nil			

### DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nil			

### FRAMEWORK DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nil			

### PUBLIC INFORMATION/EDUCATION

TOPIC	DATE
<b>MEDIA RELEASES</b>	
Nil	

## APPENDIX IV – COMMUNICATIONS

### ACCESS DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>DETERMINATIONS</b>			
Number portability	Subpart 2 of Part 2 of Schedule 1 of the Act	Determination for the designated multi-network services of local telephone number portability service and cellular telephone number portability service	Approved 15/12/2010
Mobile termination access services	s30(m)	Mobile termination access services covering mobile to mobile, fixed to mobile and SMS termination services	Approved 05/05/2011
<b>REVIEWS</b>			
Unbundled copper local loop backhaul competition test	s30(r)	Review of the standard terms determination for the designated service Telecom's unbundled copper local loop network backhaul (telephone exchange to interconnection point)	Approved 09/03/2011
Unbundled bitstream access backhaul competition test	s30(r)	Review of the standard terms determination for the designated service Telecom's unbundled bitstream access backhaul	Approved 23/03/2011
<b>CLARIFICATIONS</b>			
Bulk transfer	s58	Clarification with regards to the applicability of the special rate for bulk connections and transfers	Approved 07/09/2010
Removal of five exchanges	s58	Clarification to remove five exchanges that were inadvertently included in the standard terms determination	Approved 16/09/2010
Sub-loop extension service	s58	Clarification regarding the price of unbundled bitstream access when unbundled bitstream access is purchased in conjunction with the unbundled sub-loop and sub-loop extension service	Approved 14/10/2010

### TSO COST DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Cost allocation determination	s90	Final TSO cost allocation determination for period 01/07/2009 to 30/06/2010	Approved 15/12/2010
Telecommunications relay service	s93(c)	Final cost calculation determination for TSO instrument for telecommunications relay services for the period between 01/07/2009 and 30/06/2010	Approved 15/12/2010

## MONITORING AND REPORTING

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Report on New Zealand broadband quality	s9(a)	Comparison of the technical performance of internet service providers in delivering broadband services in New Zealand major cities. Report for the period January to June 2010	Published December 2010
New Zealand retail prices for fixed line and mobile services - a benchmarking comparison	s9(a)	Benchmarks New Zealand retail prices for fixed line and mobile services against those of other countries	Published November 2010
Annual telecommunications monitoring report 2010	s9(a)	Commission's fourth annual report on the state of New Zealand's telecommunications markets.	Published April 2011

## ENFORCEMENT CASES CLOSED

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Telecom wholesale loyalty offer	Part 4A	Telecom Wholesale breached their non discrimination obligations in the undertakings via the offer of wholesale loyalty discounts. A settlement was reached.	Approved 09/07/2010

## INDUSTRY CODES APPROVED

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nil			

## REPORTS TO THE MINISTER

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Resale services	Schedule 3	Final report on whether the resale services should be omitted from Schedule 1 of the Telecommunications Act 2001 (or, if not omitted, amended)	Approved 17/12/2010

## FRAMEWORK DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>ADVICE TO OFFICIALS ON REGULATION MATTERS</b>			
Three matters relating to the ultra-fast broadband initiative	s9(a)	Confidential	16/07/2010 12/10/2010 27/10/2010
Submission on Telecom structural separation	s9(a)	Commerce Commission response to Ministry of Economic Development discussion document	15/10/2010
Regulatory issues if Telecom New Zealand becomes a Partner in ultra -fast broadband initiative	s9(a)	Commerce Commission response to Ministry of Economic Development discussion document	N/A
Initial response to Ministry of Economic Development working paper – Post Separation Regulatory Regime for Copper (Post Separation working paper)	s9(a)	Commerce Commission response to Ministry of Economic Development discussion document	N/A
Ultra-fast broadband pricing principles	s9(a)	Commerce Commission response to Ministry of Economic Development discussion document	N/A
Submission on telecommunications (TSO, broadband, and other matters) amendment bill and supplementary order paper	s9(a)	Commerce Commission submission to Ministry of Economic Development on telecommunications (TSO, broadband, and other matters) amendment bill and supplementary order paper	N/A
<b>DEVELOPMENT OR REVIEW OF GUIDELINES, INDUSTRY CODES OR FRAMEWORKS</b>			
Telecommunications Carriers' Forum industry code operational support systems/ business support systems	s2 part 1	Observer to the code	N/A
Telecommunications Carriers' Forum industry code layer 1	s2 part 1	Observer to the code	N/A
Telecommunications Carriers' Forum industry code layer 2	s2 part 1	Observer to the code	N/A
Telecommunications Carriers' Forum enforcement code	s2 part 1	Observer to the code	N/A
Telecommunications Carriers' Forum customer transfer code	s2 part 1	Observer to the code	N/A

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>INTERNATIONAL INFORMATION EXCHANGE AND LIAISON</b>			
New Zealand Institute for the Study of Competition and Regulation	s9(a)	Presentation at conference on Telecommunications: Ubiquity and Equity in a Broadband Environment	26/08/2010
Organisation for Economic Cooperation and Development update	s9(a)	Organisation for Economic Cooperation and Development report on competition policy 2009-10 to Ministry of Economic Development	01/09/2010
Telecommunications Regulatory Authority Bahrain		International information exchange	
Australia Competition and Consumer Commission		International information exchange	
WIK Scientific Institute of Infrastructure and Communications Services conference		International information exchange	
OPTA Independent Post and Telecommunications Authority of the Netherlands		International information exchange	
Amsterdam Fibre		International stakeholder exchange	
European Competitive Telecommunication Association		International stakeholder exchange	
Office of Communications (Ofcom) UK		International stakeholder exchange	
BskyB Limited		International stakeholder exchange	
Chinese delegation - to discuss numbering		International stakeholder exchange	
Mitsubishi Research Institute, Japan		International stakeholder exchange	
Organisation for Economic Cooperation and Development		International stakeholder exchange	
Australia Competition and Consumer Commission/ Organisation for Economic Cooperation and Developments Korea Policy Centre seminar for competition authorities		International stakeholder exchange	

## PUBLIC INFORMATION/EDUCATION

TOPIC	DATE
<b>MEDIA RELEASES</b>	
Telecom settles over wholesale loyalty offer - \$1.6 million to be paid in compensation	09/07/2010
Indicative process for regulation of mobile termination rates	04/08/2010
Commerce Commission releases draft review of unbundled local loop backhaul services	06/08/2010
Commerce Commission draft report recommends resale deregulation	26/08/2010
Commerce Commission reports to Minister on compliance with Telecommunications Service Obligations	10/09/2010
Backhaul services draft reports released by Commerce Commission	23/09/2010
Process for determining mobile termination rates announced	28/09/2010
Next step underway for the determination of mobile termination rates	07/10/2010
Commerce Commission opens investigation into Telecom's compliance with Separation Undertakings	15/10/2010
Commerce Commission releases draft report on competition review of UBA service	28/10/2010
Telecommunications report reveals New Zealand ranks in bottom third of OECD for fixed line calling	09/11/2010
Draft determination extending number portability released by Commerce Commission	11/11/2010
Draft TSO determinations for 09/10 released by Commerce Commission	16/11/2010
Number portability determination extended	15/12/2010
Price of national mobile roaming to remain unregulated	15/12/2010
Final TSO determinations for 2009/10 released by Commerce Commission	15/12/2010
Commerce Commission report recommends significant resale deregulation	17/12/2010
Commerce Commission releases draft determination for calls and texts to mobile networks	23/12/2010
Commerce Commission latest broadband report shows continuing quality improvement	20/12/2010
New Telecom wholesale VDSL2 service not to be regulated	21/12/2010
Commerce Commission releases draft determination for calls and texts to mobile networks	23/12/2010
Commission to take wider look at UBA pricing	03/03/2011
More UCLL backhaul links are competitive, says Commerce Commission	09/03/2011
Competitive services have not developed for UBA backhaul links, says Commerce Commission	23/03/2011
Commerce Commission consults on demand side study draft terms of reference	05/04/2011
Commerce Commission seeks submissions on proposed changes to UBA pricing methodology	21/04/2011
Competition in telecommunications continues to improve but challenges remain says Commerce Commission	29/04/2011
Telecommunications media conference - Commerce Commission	02/05/2011
Commerce Commission concludes Telecom's regulatory financial statements are unreliable	03/05/2011
Commerce Commission significantly cuts mobile termination rates	05/05/2011
Commerce Commission releases terms of reference for high speed broadband demand side study	17/05/2011
Commerce Commission to issue proceedings against Telecom for discriminating against other telco companies	26/05/2011
Commerce Commission seeks submissions on UBA competition review	08/06/2011

EVENT	DATE	TOPIC	SPEAKER
<b>PRESENTATIONS (INCLUDES STAKEHOLDER ENGAGEMENT MEETINGS AND CONSUMER PANELS)</b>			
Axia presentation	21/07/2010	Axia's open access network in Canada	Art Price
TelstraClear presentation	22/07/2010	Telecommunications consumer market	Steve Jackson
2degrees investor meeting	23/07/2010	Investment in telecommunications markets in New Zealand	Chinese delegation
Frontier Economics	30/07/2010	Discussion on next generation network	Phillip Williams
Taiwanese delegation	10/08/2010	Fact finding on operational separation	Reto Bleisch
Ericsson	08/09/2010	Next generation network products	Andrew Duxfield
2degrees	21/09/2010	What is 2degrees doing in the consumer space?	Bill McCabe
Vodafone	22/09/2010	Vodafone initiatives in the market	Hayden Glass
Telecommunications Users Association of New Zealand after 5's	18/10/2010	The role of the Commerce Commission and its work programme	Dr Ross Patterson
Telecommunications Users Association of New Zealand after 5's	19/10/2010	The role of the Commerce Commission and its work programme	Dr Ross Patterson
Telecommunications Users Association of New Zealand after 5's	20/10/2010	The role of the Commerce Commission and its work programme	Dr Ross Patterson
Sky	09/11/2010	Stakeholder presentation	Dr Ross Patterson and Sky
2degrees	11/11/2010	Stakeholder presentation	2degrees
Vodafone	18/11/2010	Stakeholder presentation	Richard Feasey
Telecommunications Users Association of New Zealand after 5's	December 2010 x 3 (Auckland, Wellington and Christchurch)	Stakeholder presentation	Dr Ross Patterson
Telecommunications Users Association of New Zealand after 5's	January and February 2011 (Hamilton, Dunedin and Whangarei)	Stakeholder presentation	Dr Ross Patterson
Technology NZ	01/02/2011	Stakeholder presentation	Dr Ross Patterson
Telecommunications Carriers' Forum	08/02/2011	Stakeholder presentation	Dr Ross Patterson
Telecommunications Users Association of New Zealand	08/02/2011	Stakeholder presentation	Dr Ross Patterson
Internet NZ	22/02/2011	Stakeholder presentation	Dr Ross Patterson
Sky	08/03/2011	Section 9A study	Dr Ross Patterson
Mitsubishi Research Institute	09/03/2011	Presentation on telecommunications regulation in New Zealand market	Reto Bleisch
TelstraClear	16/03/2011	Stakeholder engagement	Tom Forster



EVENT	DATE	TOPIC	SPEAKER
Australia Competition and Consumer Commission	24/03/2011	Quarterly engagement meeting	Dr Ross Patterson
Regional Fibre group	04/04/2011	Stakeholder engagement meeting	Dr Ross Patterson
Chorus	05/04/2011	Stakeholder presentation	Dr Ross Patterson
TelCon.11 Conference	06/04/2011	Presentation on 'Advancing competitive practices in an evolving industry'	Dr Ross Patterson
China Mobile	18/04/2011	Senior delegation presentation	Kathryn McCarrison and Tom Forster
CallPlus	15/05/2011	Stakeholder presentation	Dr Ross Patterson
Chorus	17/05/2011	Stakeholder engagement discussion	Dr Ross Patterson
Wigley and Associates	19/05/2011	Stakeholder engagement discussion	Dr Ross Patterson
Telecommunications Users Association of New Zealand Day	19/05/2011	25 years of Regulation in telecommunications	Dr Ross Patterson
Telecommunications Carriers' Forum	24/05/2011	Stakeholder engagement discussion	Dr Ross Patterson
TelstraClear	24/05/2011	Stakeholder engagement discussion	Dr Ross Patterson
Organisation for Economic Cooperation and Development/ Organisation for Economic Cooperation and Developments Korea Policy Centre	03 /06/2011	Presentations on : → 25 years of regulation in New Zealand, → Ultra-fast broadband and rural broadband initiative in NZ → Abuse of dominance in bundling cases in telecommunications	John Gandy
WIK - Scientific Institute of Infrastructure and Communication Services	06 /06/2011	Presentation	Dr Ross Patterson
Ofcom	30/06/2011	Mobile and ultra fast broadband issues bilateral meeting	Dr Ross Patterson

## INFORMATION DISCLOSURE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Accounting separation summary and analysis	69ZB	Annual accounting separation summary and analysis report for 2009/10	Not applicable
DRAFT requirements 2010/11	69ZB	DRAFT requirements document detailing new requirements for 2010/11	Not applicable

## APPENDIX V - INPUT METHODOLOGIES

### DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
<b>AIRPORTS</b>			
Setting upfront regulatory methodologies, rules, processes, requirements and evaluation criteria for specified airport services	Part 4	Commerce Act airport services input methodology determination December 2010	Determination released 22/12/2010
<b>GAS DISTRIBUTION AND TRANSMISSION</b>			
Setting upfront regulatory methodologies, rules, processes, requirements and evaluation criteria for gas distribution businesses	Part 4	Commerce Act gas distribution services input methodology determination December 2010	Determination released 22/12/2010
Setting upfront regulatory methodologies, rules, processes, requirements and evaluation criteria for gas transmission businesses	Part 4	Commerce Act gas transmission services input methodology determination December 2010	Determination released 22/12/2010
<b>ELECTRICITY DISTRIBUTION AND TRANSMISSION</b>			
Setting upfront regulatory methodologies, rules, processes, requirements and evaluation criteria for electricity distribution businesses and for undertaking inquiries	Part 4	Commerce Act electricity distribution services input methodology determination December 2010	Determination released 22/12/2010
Setting upfront regulatory methodologies, rules, processes, requirements and evaluation criteria for Transpower	Part 4	Commerce Act Transpower input methodology determination December 2010	Determination released 22/12/2010
<b>TRANSMISSION CAPITAL EXPENDITURE</b>			
Nil			

## PUBLIC INFORMATION/EDUCATION

TOPIC	DATE
<b>MEDIA RELEASES</b>	
Final consultation on input methodologies for airport services	01/10/2010
Final consultation on input methodologies for electricity distribution services	22/10/2010
Final consultation on input methodologies for gas pipeline services	01/11/2010
Final consultation on input methodologies for Transpower	12/11/2010
Final step in setting regulatory rules	23/12/2010

EVENT	DATE	TOPIC	SPEAKER
<b>PRESENTATIONS</b>			
Brightstar's 11th Annual Competition Law and Regulation Review Conference, Wellington Town Hall	14/02/2011	Part 4	Sue Begg
Conferenz's 5th Annual Regulatory Evolution Summit	March 2011	Input methodologies	Brent Alderton Calum Gunn
Presentation to Macquarie Bank	May 2011	Cost of capital	John Hamill

TITLE	RELEASE DATE
<b>PUBLICATIONS</b>	
Nil	

## APPENDIX VI – ELECTRICITY

### ELECTRICITY DISTRIBUTION

#### PRICE-QUALITY PATH DETERMINATIONS (INCLUDING AMENDMENTS)

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Electricity default price-quality path	Part 4	Decision 704 to include revenue differential term in electricity distribution services price-quality path 2010 determination	Amended determination released 30/11/2010

#### COMPLIANCE (INCLUDING CONSUMER-OWNED STATUS)

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Assessment of 2010 compliance statements	Part 4	Six electricity distribution businesses did not disclose price-quality breaches	Electricity distribution businesses advised there would be no further action from the Commission
Assessment of 2010 compliance statements	Part 4	Assessments completed for remaining 11 electricity distribution businesses	Electricity distribution businesses advised there would be no further action from the Commission except for Alpine Energy which will be subject to an engineering review in 2011/12
Consumer-owned status	Part 4	12 electricity distribution businesses provided statutory declarations of consumer-owned status and therefore exempt from price-quality regulation	Commission confirmed all 12 electricity distribution businesses were consumer-owned

#### INFORMATION DISCLOSURE DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nil			

#### INFORMATION DISCLOSURE – SUMMARY AND ANALYSIS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Electricity information disclosure summary database 2008-2010	Part 4	Summary database of electricity distribution business financial and quality disclosures	Database issued 18/02/2011

#### FRAMEWOK DEVELOPMENT (ADVICE TO OFFICIALS)

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nil			

## TRANSPower

### PRICE-QUALITY DETERMINATION

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Price-quality regulation to apply on expiry of current administrative settlement effective 01/04/2011	Part 4	Commerce Act (Transpower individual price-quality path) determination 2010	Determination released 22/12/2010
<b>PAPERS</b>			
Revised process paper for the individual price-quality regulation of Transpower (06/09/2010)	Part 4	Part of ongoing consultation on Transpower's individual price-quality path	Determination released 22/12/2010
Transpower individual price-quality path technical consultation (09/11/2010)	Part 4	Part of ongoing consultation on Transpower's individual price-quality path	Determination released 22/12/2010

### COMPLIANCE ASSESSMENT (ADMINISTRATIVE SETTLEMENT)

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Annual compliance with administrative settlement	Subpart 9 of Part 4	Assessment of 2009 and 2010 compliance statements	Assessment completed by 30/11/2010. No further regulatory action

### INFORMATION DISCLOSURE – SUMMARY AND ANALYSIS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nil			

### TRANSPower FRAMEWORK DEVELOPMENT (ADVICE TO OFFICIALS)

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Review of operational regulatory aspects of draft legislation	Electricity Industry Act	Advice regarding regulatory aspects of Electricity Industry Bill	Electricity Industry Bill came into force on 01/11/2010 and incorporated most of the Commission's suggestions

### TRANSPower GRID UPGRADE PLAN

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Kaitia Capacitor Bank	Part 4	Transpower request for recovery of over expenditure of \$248k on grid upgrade plan previously approved by the Electricity Commission	Commission granted request

## PUBLIC INFORMATION/EDUCATION (INCLUDES DISTRIBUTION AND TRANSMISSION)

TOPIC	RELEASE DATE
<b>MEDIA RELEASES</b>	
Commerce Commission draft decision: Reset default price-quality path to include a revenue differential term	13/08/2010
Commerce Commission takes over responsibility for grid upgrade plan approval	01/11/2010
Consultation on draft individual price-quality path determination for Transpower	09/11/2010
Final consultation on input methodologies for Transpower	12/11/2010
Commerce Commission announces revenue cap for Transpower	26/11/2010
Price-quality path decision for electricity distribution businesses released	30/11/2010
Final individual price quality path for Transpower determined	23/12/2010
Commerce Commission releases updated approach for resetting starting prices	11/04/2011

EVENT	DATE	TOPIC	SPEAKER
<b>PRESENTATIONS</b>			
Presentation to Associate Minister of Commerce	08/11/2010	Part 4 update	Calum Gunn, Brent Alderton and John Hamill
Update to Treasury staff	15/11/2010	Part 4 update	Calum Gunn, Brent Alderton and John Hamill
Presentation to Transpower	17 /02/2011	Office of the Gas and Electricity Markets' (Ofgem) Incentive Regime	Nick Russ
Presentation to Office of the Auditor-General	19/04/2011	Part 4 update and audit issues	Calum Gunn, Anthony Merritt, Sara Carter, Ian Hoare and Robert Gordon
Presentation to delegation from Philippines	17/06/2011	Application of incentive regulation electricity distribution - United Kingdom case study	Nick Russ

TITLE	RELEASE DATE
<b>PUBLICATIONS</b>	
Nil	

## APPENDIX VII - GAS

### PRICE-QUALITY PATH DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nil			

### PRICE-QUALITY PATH CONSULTATION PAPERS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Framework for making starting price adjustments for regulated suppliers under electricity and gas default price-quality paths	Part 4	Starting price adjustments for default price-quality paths consultation paper	Consultation paper published on 05/08/2010
Initial default price-quality path for gas pipelines businesses discussion paper	Part 4	Consultation paper on regulation of gas pipeline businesses	Consultation on paper continuing

### COMPLIANCE WITH EXISTING AUTHORISATIONS AND DETERMINATIONS

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Vector Limited 2010 annual compliance statement	s70 (as if not repealed)	Commerce Commission assessment of Vector Limited 2010 annual compliance statement	Letter on 26/08/2010 advising no further issues
Powerco Limited 2010 annual compliance statement	s70 (as if not repealed)	Analysis and decision on regulatory action regarding breach of gas authorisation with respect to gas metering system quality requirements	Letter on 27/01/2011 advising no further regulatory action
Vector Limited 2011 annual compliance statement	s70 (as if not repealed)	Commerce Commission assessment of Vector Limited 2011 annual compliance statement	Commission decision to not take any further action
Powerco Limited 2011 annual compliance statement	s70 (as if not repealed)	Commerce Commission assessment of Powerco Limited 2011 annual compliance statement	Commission decision to not take any further action

### INFORMATION DISCLOSURE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Nil			

## FRAMEWORK DEVELOPMENT

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Whether Rimu pipeline should be exempt from price-quality and information disclosure regulation	Schedule 6	Release of consultation paper. Proposed recommendation to the Minister that the Rimu pipeline be added to Schedule 6 of the Commerce Act 1986 - 11/02/2011	Recommendation to be made to Minister in March 2011
Whether Tag Oils Sidewinder pipeline should be exempt from price-quality and information disclosure regulation	Schedule 6	Release of consultation paper. Proposed recommendation to the Minister that the Tag Oils Sidewinder pipeline be added to Schedule 6 of the Commerce Act 1986 - 03/06/2011	Recommendation to be made to Minister in July 2011

## PUBLIC INFORMATION/EDUCATION

TOPIC	DATE
<b>MEDIA RELEASES</b>	
Commerce Commission releases starting price adjustment consultation paper	05/08/2010

EVENT	DATE	TOPIC	SPEAKER
<b>PRESENTATIONS</b>			
Nil			

TITLE	RELEASE DATE
<b>PUBLICATIONS</b>	
Nil	



## APPENDIX VIII - AIRPORTS

### INFORMATION DISCLOSURE

CASE	SECTION OF ACT	DESCRIPTION	RESOLUTION
Ensure sufficient information is readily available to interested persons to assess whether the purpose of Part 4 is being met for specified airport services by 01/01/2011	Subpart 11 of Part 4	The Commission's determination requires suppliers to disclose certain specified information relevant to their performance	Determination released 22/12/2010

### PUBLIC INFORMATION/EDUCATION

TOPIC	DATE
<b>MEDIA RELEASES</b>	
Revised draft information disclosure determination for airport services released	11/10/2010
Airports information disclosure requirements announced	23/12/2010

### PRESENTATIONS

EVENT	DATE	TOPIC	SPEAKER
<b>PRESENTATIONS</b>			
Nil			