

ACCC Litigation and Undertakings – analysis of past 6 years (from ACCC Annual Reports^a)

SUMMARY – ACCC LITIGATION INITIATED^b and UNDERTAKINGS Accepted 2006/07 – 2001/02

	06/07	06/07	05/06	05/06	04/05	04/05	03/04	03/04	02/03	02/03	01/02	01/02
	Litigation	Under-takings	Litigation	Under-takings	Litigation	Under-takings	Litigation	Under-takings	Litigation	Under-takings	Litigation	Under-takings
Part V and VC – Consumer (including pyramid schemes)	6	24 ^c	4(5) ^d	32	11	29	12	19	18	15	29	12
Part V – Small Business (plus franchise code)	2	4	1	4	6	1	1	2	3	2	8	1
Unconscionable Conduct (Consumer)	1	0	0	1	1	1	2	0	1	0	3	1
Unconscionable Conduct (Small Business)	0	1	0	0	2	0	0	0	0	0	7	0
Product Safety	3	11	3	14 ^c	2	19 ^e	0	5	2	7	2	6
Part IV -Competition	11	12 ^f	5	3	7	5	4	7	14	6	6	7
Other – 155cases	0(3) ^g											
TOTAL	23	52	13(14)^d	54	29	55	19	33	38	30	55	26

^a The ACCC ceased reporting cases commenced in its 04/05 summary table. For 2002 - 04, four summary figures are presented: 1) cases commenced in the year and concluded; 2) cases commenced and continuing; 3) cases commenced in prior years and concluded; 4) cases commenced in prior years and continuing. This clear reporting was discontinued from 2004/05 and only cases concluded and continuing were presented within the summary table – thus making the determination of litigation commenced much more difficult. [Prior to 02/03, tables were not presented.]

^b The figures reflect only ACCC-initiated cases resulting from their investigations; the table does not include, for any of the years of analysis, cases brought against ACCC or interventions by ACCC in private cases (although some of these are undoubtedly important). The figures do not include contempt or other proceedings arising from an existing matter – that is, cases are not counted twice.

^c 10 of these relate to goosedown in quilts

^d 05/06 – one case discontinued by consent of parties approximately two months after the litigation was commenced - not counted.

^e Product safety enforceable undertakings policy appears to change in 04/05 and 05/06 with numerous undertakings from one industry – eg 11 for woodheaters over the two years, 5 for jacks, etc. This may represent a welcome proactive policy of examining an industry sector more broadly when a problem with one company is reported.

^f 7 of these undertakings arise from one matter (Showmen’s Guild). The other 5 are resale price maintenance matters.

^g This category picks up a new type of matter. The ACCC appears to be proceeding against individuals who are alleged to be providing false evidence in a s155 hearing or who are not responding to a s155 request for information – not counted as a usual enforcement matter. Of the four proceedings issued in this context, only three are counted in parenthesis as one relates to the NuEra proceeding, already counted under unconscionable conduct.

TABLE 2
REFUNDS included as part of s87B Enforceable Undertakings^h

	06/07	05/06	04/05	03/04	02/03	01/02
No. of Enforceable Undertakings	52	54	55	33	30	26
No. of Refunds or Compensation arrangements	10 ⁱ	11	9	15	14	14
% of Enforceable Undertakings with Refunds or Compensation arrangements	19.2%	20.4%	16.4%	45.5%	46.7%	53.8%

^h Includes refunds and compensation for consumers and small business which were negotiated as part of an enforceable undertaking (s87B). Also includes *cy pres* types of settlements designed to compensate consumers more generally when specific consumers cannot be identified for refunds (or when the amounts of financial detriment to each consumer affected is too small to justify the administrative task of locating them for refunds) - eg contributions to the funding of an anti-tobacco advertising campaign, lowering the price of goods in a market for a period of time, contributing to a research fund for research into consumer issues, etc

ⁱ 7/10 of these refunds were in relation to goosedown quilts

DETAIL OF ACCC LITIGATION – Commenced in 06/07

06/07				
Date Commenced	Company	Type of Matter	Brief Description	Notes
13-07-06	Beaver Sales Pty Ltd	Product Safety	Breach of mandatory labelling standards – high lift vehicle jacks	Concluded 20-03-07.
20-07-06	Kyloe Pty Ltd & others	Code – Small Business	Contravention of industry codes.	Ongoing at end of 06/07.
31-07-06	FCHEM (Aust) Ltd & others	Part IV - Competition	Price fixing – wood preservative chemicals	Ongoing at end of 06/07.
31-07-06	Menopause Institute of Australia & another	Part V - Consumer	Misleading and deceptive conduct – medical claims	Concluded 18-12-06.
14-08-06	Jurlique International Pty Ltd & others	Part IV - Competition	Resale price maintenance – skin care products	Concluded 08-02-07.
23-08-06	CFMEU & others	Part IV - Competition	Secondary Boycott	Ongoing at end of 06/07.
27-09-06	Digital Products Group Pty Ltd & others	Part IV - Competition	Resale price maintenance – digital set-top boxes	Concluded 13-12-06.
01-11-06	Kokos International Pty Ltd & others	Part IV - Competition	Price fixing – school tuition fees for Korean students	Ongoing at end of 06/07.
14-11-06	British American Tobacco Australia Ltd	Product Safety	Breach of product information standard - tobacco	Concluded 23-04-07.
24-11-06	NuEra Health Pty Ltd (in liquidation) & others	Unconscionable Conduct	Misleading and deceptive conduct – unconscionable conduct – medical claims	Concluded 09-05-07.
06-12-06	Navman Australia Pty Ltd & others	Part IV - Competition	Resale price maintenance – navigation products	Ongoing at end of 06/07.
06-12-06	April International Marketing Services Australia Pty Ltd and others	Part IV - Competition	Anti-competitive conduct – fine paper	Ongoing at end of 06/07.
08-12-06	Prouds Jewellers Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – was/now jewellery prices	Ongoing at end of 06/07.
20-12-06	Zamel's Pty Ltd	Part VC - Consumer	Misleading conduct – jewellery prices	Ongoing at end of 06/07.

				Criminal
30-01-07	Tooltechnic Systems (Aust) Pty Ltd	Part IV - Competition	Resale price maintenance – power tools	Concluded 21-03-07.
05-02-07	Knight, John Lincoln and another	Part IV – Competition	Anti-competitive conduct – cardiothoracic surgeons	Ongoing at end of 06/07.
15-02-07	Autex Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – insulation batt labelling	Concluded 05-06-07.
02-03-07	Terania Pty Ltd & Australian Rug Expos Pty Ltd	Part V - Consumer	Misleading and deceptive claims – rugs and manchester prices	Ongoing at end of 06/07.
23-02-07	Pacific network Services Ltd (third party) & others	Part V - Consumer	Misleading and deceptive claims – lottery scams	Ongoing at end of 06/07.
27-03-07	Dally M Publishing & Research Pty Ltd & others	Part IV - Competition	Price fixing – funeral celebrants	Ongoing at end of 06/07.
11-04-07	John Patrick Neville	Other - s155	Providing misleading evidence in a s155(c) examination	Not counted. Criminal
13-04-07	Mina Guirguis	Product Safety	Supply of cigarettes without mandatory product information	Ongoing at end of 06/07.
13-06-07	Bon Levi	Other - contempt	Breach of court-ordered injunction.	Not counted – cases not counted twice.
27-06-07	Teac Australian Pty Ltd & another	Part IV - Competition	Resale price maintenance – consumers electronic goods	Ongoing at end of 06/07.
29-06-07	Imagine Essential Services Ltd & others	Part V – Small Business	Misrepresentations about the sale of licenses	Ongoing at end of 06/07.
29-06-07	NuEra Wellness Centre Pty Ltd	Other – s155	Failed to comply with a s155 notice.	Not counted – cases not counted twice. See 24-11-06. Criminal
29-06-07	Michael Lee Rana	Other – s155	Failed to comply with a s155 notice.	Not counted. Criminal
29-06-07	John Paul Rana	Other – s155	Failed to comply with a s155 notice.	Not counted. Criminal

DETAIL OF ACCC LITIGATION – Commenced in 05/07

05/06				
Date Commenced	Company	Type of Matter	Brief Description	Notes
04-08-05	Auspine Ltd & others	Part IV - Competition	Price fixing of timber estimating services	Ongoing at end of 05/06. Concluded 24-01-07 Consent orders
22-09-05	Cambur Industries Pty Ltd & another	Part IV - Competition	Resale Price Maintenance - kitchenware	Ongoing at end of 05/06. Concluded 22-09-06 Consent orders
27-09-05	Seven Network Ltd & others	Part V - Consumer	Misleading or deceptive conduct - property	Ongoing at end of 06/07
04-10-05	Dynacast (INT0 Pty Ltd (formerly phoneflasher.com Pty Ltd) (see 03/04)	Contempt proceedings		Not counted (cases not counted twice) Concluded 26-03-07
04-11-05	G O Drew Pty Ltd & another	Part V - Consumer	Misleading and deceptive conduct - eggs	Ongoing at end of 06/07
09-11-05	Australian Abalone Pty Ltd & others	Part IV - Competition	Anti-competitive agreements - abalone	Ongoing at end of 06/07
24-11-05	CFMEU & others	Part IV – Competition	Secondary boycott at construction site	Ongoing at end of 05/06. Concluded 12-12-06
25-11-05	The Original Mama’s Pizza and Ribs & others	Part V - Small Business	Misleading and deceptive conduct - franchising fast food systems	Ongoing at end of 06/07
20-12-05	Carrerabenz Diamond Industries Pty Ltd & another	Part VC - Consumer	Misleading and deceptive conduct – price comparisons in advertising diamonds	Ongoing at end of 06/07 Criminal
23-12-05	TWM Imports Pty Ltd	Product Safety	Non-compliance with product safety standard - vehicle jacks	Ongoing at end of 05/06 Concluded 25-07-06
21-12-05	Visy Industries Holding Pty Ltd & others	Part IV - Competition	Anti-competitive arrangements – corrugated fibreboard containers	Ongoing at end of 06/07
29-12-05	LG Electronics Australia Pty	Part V - Consumer	Misleading and deceptive conduct -	Ongoing at end of

	Ltd		mobile phone warranties	05/06 Concluded 04-07-06
02-03-06	IMB Group Pty Ltd	Litigation against ACCC		Not counted
09-03-06	H & Y Trading Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – sock labelling	Discontinued By Consent on 22-05-06 Undertaking Not counted
31-03-06	Trade Quip Pty Ltd & others	Product safety	Non-compliance with product safety standard - vehicle jacks	Ongoing at end of 06/07
20-04-06	Skippy Australia Pty Ltd	Product Safety	Non-compliance with product safety standard and falsely representing standards – baby walkers	Ongoing at end of 05/06 Concluded 18-10-06 (Fines) Criminal

DETAIL OF ACCC LITIGATION – Commenced in 04/05

04/05				
Date Commenced	Company	Type of Matter	Brief Description	Notes
05-07-04	TWM Imports Pty Ltd	Product Safety	Non-compliance with safety standard – vehicle jacks	Concluded 09-12-04 By Consent
19-07-04	Vision Pursuit Pty Ltd, Break Free Events & another	Part V - Consumer	Misleading and deceptive conduct – property investment	Concluded 29-07-04 By Consent
19-07-04	Advanced Medical Institute Pty Ltd & another	Part V - Consumer	Misleading and deceptive conduct – erectile dysfunction treatments	Ongoing at end of 05/06 Concluded 15-08-06
04-08-04	Bon Levi and Craig Cleary	Part V – Small Business	Misleading and deceptive conduct - franchises	Concluded 28-02-05
11-08-04	Contact Plus Group Pty Ltd, Mr Arthur Spencer	Unconscionable Conduct – Small Business	Unconscionable Conduct and misleading and deceptive conduct - franchises	Concluded 06-06-06 By Consent
11-08-04	Set Sale Realty Pty Ltd & another	Part V - Consumer	Misleading and deceptive conduct – real estate scheme (which claimed ACCC approval)	Concluded 29-10-04 By Consent
16-08-04	1CellNet LLC & others	Pyramid Selling	Pyramid Selling scheme	Concluded 06-12-05
17-08-04	RM Hall Pty Ltd	Part IV - Competition	Resale Price Maintenance – Armani figurines	Concluded 6-04-05 By Consent
17-08-04	Westminister Retail Pty Ltd		Resale Price Maintenance – Armani figurines	Concluded 16-09-05 By Consent
15-09-04	Ramon Lal Keshow	Unconscionable Conduct - Consumer	Misleading and deceptive conduct, unconscionable conduct – math tutoring programs	Concluded 21-07-05
16-09-04	Giann & Giann Pty Ltd & another	Part V - Consumer	Misleading and deceptive conduct – property investment services	Concluded 17-03-05
26-10-04	Morgan Pacific Pty Ltd & others	Part V - Consumer	Misleading and deceptive conduct – property investment services	Concluded 14-07-05 By Consent
27-10-04	Advanced Medical Institute Pty Ltd & another (see 19-07-04)	Contempt proceedings		Not counted (cases not counted twice)
04-11-04	Wizard Home Loans Pty Ltd	Part V - Consumer	Misleading and deceptive conduct –	Concluded 09-05-05

			employment advertising	By Consent
15-11-04	Australian Communications Network Pty Ltd	Pyramid Selling	Pyramid Selling scheme - telecommunications	Concluded 02-06-06
01-12-04	Brambles Australia Ltd	Unconsonable Conduct - Small Business	Unconsonable conduct; also misleading and deceptive conduct – waste services	Ongoing at end of 05/06 Concluded 07-09-06 By Consent
02-12-04	Amcor Ltd v Mihelic & others	Intervention in private case	One-day intervention (to allow Amcor to provide confidential material to ACCC)	Concluded 02-10-04 Not counted
17-12-04	Admiral Mechanical Services Pty Ltd & others	Part IV - Competition	Anti-competitive agreements – air conditioning	Ongoing at end of 06/07
17-12-04	Globex Pty Ltd	Part V – Consumer	Misleading and deceptive conduct – office consumables and cleaning products	Concluded 12-08-05 By Consent
21-12-04	Pro Kit Pty Ltd	Product Safety	Non-compliance with safety standard – luggage straps	Concluded 22-12-04 By Consent
22-12-04	Archem Australia Pty Ltd	Part V – Small Business	Misleading and deceptive conduct – franchises	Concluded 13-03-06 By Consent
07-02-05	Edison Mission Operation and Maintenance by Loy Yang Pty Ltd & others	Part IV - Competition	Secondary boycott – electrical services	Ongoing at end of 06/07
14-02-05	Humax Pty Ltd	Part IV - Competition	Resale Price Maintenance – set top boxes	Concluded 10-06-05 By Consent
04-03-05	Office Support Services International Pty Ltd	Franchising Code	Breach of franchising code	Concluded 27-05-05 By Consent
10-03-05	L & L Supply Pty Ltd	Part V – Small Business	Misleading and deceptive conduct – office supplies	Concluded 27-05-05
15-03-05	Honeybank Corporation Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – solarium safety	Concluded 18-04-05
15-03-05	Barton Mines Corporation & others	Part IV - Competition	Anti-competitive agreements - industrial garnet	Ongoing at end of 05/06 Concluded 22-09-06 Consent orders
28-04-05	Daniel Albert trading as Photosafe, DataVault and IE Networks	Part V – Small Business	Misleading and deceptive conduct – business opportunities	Concluded 04-04-06 By Consent
28-04-05	Rural Network Pty Ltd	Part V - Consumer	Misleading and deceptive conduct –	Ongoing at end of

			introduction services	06/07
24-05-05	Gullyside Pty Ltd	Part IV - Competition	Anti-competitive agreements - petrol	Concluded 30-11-05 By Consent
01-06-05	Stores Online Inc	Part V – Small Business	Misleading and deceptive conduct – Online web business opportunities	Concluded 09-05-06 Undertakings

DETAIL OF ACCC LITIGATION – Commenced in 03/04

03/04				
Date Commenced	Company	Type of Matter	Brief Description	Notes
18-08-03	National Chemical Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – Origin claims	Concluded 30-10-03 By Consent
19-08-03	Telstra Corporation Ltd	Part V - Consumer	Misleading and deceptive conduct – \$0 advertising of mobile phones	Concluded 20-08-04
05-09-03	Australian Aboriginal Art	Part V - Consumer	Misleading and deceptive conduct – Aboriginal art	Concluded 04-05-04
11-09-03	Sanyo Airconditioning Australia, Fujistu Australia Ltd, Daikin, Hitachi	Part V - Consumer	Misleading and deceptive conduct – refrigerants	Concluded 11-11-03 By Consent
12-09-03	NT Power Generation Pty Ltd v Power and Water Authority & Gasgo Pty Ltd	Intervention in private case	---	Not counted
24-09-03	David Zero Population Growth Hughes trading as Crowded Planet	Contempt proceedings	---	Not counted (cases not counted twice)
30-09-03	National Investment Institute Pty Ltd & another	Part V - Consumer	Misleading and deceptive conduct – Property investment	Concluded 23-03-05
02-10-03	Domain Names Australia Pty Ltd & another	Part V – Small business	Misleading and deceptive conduct – Domain name registration	Concluded 10-09-04
07-11-03	Leahy Petroleum Pty Ltd & others (Geelong)	Part IV - Competition	Anti-competitive agreements – petrol	Ongoing at end of Matter dismissed May 2007
28-11-03	Ikuson Trading Company Pty Ltd, Ixon Japan KK	Part V - Consumer	Misleading and deceptive conduct – drink mislabelling	Concluded 29-08-05 By Consent
01-12-03	Worldplay Services Pty Ltd	Pyramid Selling	Pyramid Selling scheme - online gambling	Concluded 06-05-05
11-12-03	Radio Rentals Ltd, Walker Stores Pty Ltd	Unconscionable Conduct - Consumer	Household appliances hire - intellectually disabled consumer	Concluded 17-08-05
19-12-03	Gary Peer & Associates Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – Residential property	Concluded 12-04-05
19-12-03	High Adventure Pty Ltd &	Part IV -	Resale Price Maintenance -	Concluded 02-12-05

	others	Competition	paragliders	
19-02-04	Showmen's Guild of Australasia & others	Part IV - Competition	Anti-competitive agreements – amusement services	Concluded 09-05-06 By Consent
19-02-04	Minister for Industry, Tourism and Resources v Mobil Australia Pty Ltd	Intervention in private case	Issue regarding pecuniary penalties	Not counted
24-03-04	Anglo Estates Pty Ltd & others	Part IV - Competition	Anti-competitive agreements – property development	Concluded 21-01-05 By Consent
31-03-04	Lloyd Brooks Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – Environmental claims	Concluded 25-05-04
08-11-04	Seven Network Ltd	Action against ACCC	Challenge to ACCC demand for information	Not counted
13-04-04	Fox Symes & Assoc Pty Ltd & others	Unconscionable Conduct - Consumer	Debt agreements	Concluded 10-06-06 Undertakings
03-06-04	Phoneflasher.com Pty Ltd & others	Part V - Consumer	Misleading and deceptive conduct – Health benefits of phone accessories	Concluded 03-11-04 By Consent
03-06-04	Chubb Security Australia Pty Ltd	Part VC - Consumer	Accepting Payment without intention to supply	Concluded 30-12-04 Criminal
28-06-04	National Training Conference	Part V - Consumer	Misleading and deceptive conduct - property	Concluded 29-06-04 By consent

DETAIL OF ACCC LITIGATION – Commenced in 02/03

02/03				
Date Commenced	Company	Type of Matter	Brief Description	Notes
11-07-02	FFE Building Services & others	Part IV - Competition	Anti-competitive agreements – fire protection services	Concluded 19-12-03 By Consent
12-07-02	Voyages Hotels and Resorts Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – tourism claims	Concluded 28-04-03 By Consent
12-07-02	Westil (Australia) Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – tourism claims	Concluded 16-05-03 By Consent -Refunds ordered
22-07-02	Synergy in Business Pty Ltd (in liquidation) and others	Code – Small Business	Breach of franchising code	Concluded 28-01-04 By Consent
06-08-02	South Sydney District Rugby League Goolball Club v News Limited	Intervention in High Court proceedings	Exclusionary conduct	Not Counted
05-09-02	Eurong Beach Resort Ltd & others	Part IV - Competition	Anti-competitive arrangements and misuse of market power – barge services	Concluded 15-12-05 By Consent
05-09-02	Fila Sport Oceania Pty Ltd & others	Part IV - Competition	Anti-competitive behaviour and misuse of market power – sports apparel	Ongoing at end 05/06 Concluded 27-11-06 Consent orders
11-09-02	Transformation 2012 Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – internet health cures	Concluded 14-05-03 By Consent -Refunds undertaking
13-09-02	Internet Registrations Australia Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – internet services	Concluded 29-11-02 By Consent -Refunds undertaking
17-09-02	Dodo Internet Pty Ltd	Unconscionable Conduct - Consumer	Unconscionable conduct; also misleading and deceptive conduct – internet services	Concluded 06-02-03 By Consent -Compensation ordered
25-09-02	Commonwealth Bank of Australia	Part V - Consumer	Misleading and deceptive conduct – banking	Concluded 09-12-03

03-10-02	Richard Chen	Part V - Consumer	Misleading and deceptive conduct – Sydney Opera House bookings	Concluded 27-08-03
17-10-02	FFE Building Services & others	Part IV - Competition	Anti-competitive agreements – fire protection services	Discontinued (see 11-07-02)
17-10-02	The South Australian Olive Corporation Pty Ltd, Inglewood Olive Processors Ltd	Part V - consumer	Misleading and deceptive conduct – olive oil origin claims	Concluded 14-07-03 By Consent
24-10-02	Telstra Corporation Ltd	Part V - Consumer	Misleading and deceptive conduct – pre-paid telephone cards	Concluded 15-11-02 By Consent -Compensation (<i>cy pres</i>) undertaking
28-10-02	BMW (Australia) Ltd	Product Safety	Non-compliance with product safety standard – vehicle jacks	Concluded 21-09-04
31-10-02	David Francis	Contempt Proceedings	Claims re weight loss	Not counted (cases not counted twice)
01-11-02	Baxter Healthcare Pty Ltd & others	Part IV - Competition	Anti-competition agreements, misuse of market power – medical fluids	Ongoing at end of 06/07 (appeal)
07-11-02	Harvey Norman Holdings Pty ltd	Part V – Consumer	Misleading and deceptive conduct - software	Concluded 11-08-04
13-11-02	Pest Free Australia Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – electronic pest devices	Discontinued by agreement 14-10-04
21-11-02	Dermalogica Pty Ltd	Part IV - Competition	Resale price maintenance – beauty products	Concluded 10-03-05
03-12-02	AK Freund Pty Ltd, Abraham Freund	Part IV - Competition	Anti-competitive agreement – medical services	Concluded 05-03-03 By Consent
05-12-02	George Weston Foods Ltd	Part IV - Competition	Anti-competitive agreement – wheaten flour	Concluded 25-08-04 By Consent
10-12-02	Trans Oriental Import and Export Pty Ltd	Product Safety	Supply of banned product	Concluded 14-05-03 By Consent
11-12-02	Woolworths (South Australia) Pty Ltd, The Arnhem Club Inc, Rhonwood Pty Ltd	Part IV - Competition	Anti-competition agreements – takeaway liquor retailing	Concluded 18-02-04
28-01-03	McMahon Services Pty Ltd	Part IV -	Anti-competition agreements –	Concluded 04-11-04

	& others	Competition	asbestos removal	
13-02-03	National Telecoms Group Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – telephony charges	Concluded 18-12-03 By Consent
19-03-03	Australian Icon Products Pty Ltd (in liquidation)	Part V - Consumer	Misleading and deceptive conduct – Aboriginal art	Concluded 06-05-04
19-03-03	Global Pre Paid Communications Pty Ltd & others	Part V – Small Business	Misleading and deceptive conduct – pre-paid telephone card vending machine distributorships	Court orders Feb 06 Some respondents have appealed – Ongoing at end of 05/06 Concluded 08-08-06
22-04-03	Karmy Pty Ltd Trading as Schots Restoration Emporium	Part V - Consumer	Misleading and deceptive conduct – refund rights	Concluded 21-05-03 By Consent
24-04-03	Tasmanian Salmonid	Part IV – Competition	Anti-competitive arrangements – salmon industry	Concluded 24-04-03 By Consent
06-05-03	David Francis	Part V - Consumer	Misleading and deceptive conduct – Weight loss	Concluded 26-04-04 By Consent
16-05-03	AMWU/AWU/CEPU	Part IV - Competition	Secondary Boycott – gas plant	Concluded 30-04-04
23-05-03	Thorn Australia Pty Ltd trading as Radio Rentals	Part V - Consumer	Misleading and deceptive conduct – Appliance rentals	Concluded 28-02-04 By Consent
29-05-03	Billbusters Pty Ltd & others	Part V - Consumer	Misleading and deceptive conduct – telephone bill checking services	Concluded 10-01-05
26-06-03	Morgan Buckley Pty Ltd and another	Part V - Consumer	Misleading and deceptive conduct – solicitor/client billing	Matter discontinued 04-05-04 Undertaking
27-06-03	Midland Brick	Part IV - Competition	Anti-competitive agreements - bricks	Concluded 09-06-04
27-06-03	Liquorland Australia Ltd, Woolworths Ltd	Part IV - Competition	Anti-competitive behaviour – liquor retailing	Liquorland - Concluded 26-04-05 Woolworths Ltd - Ongoing at end of 06/07 (judgment and penalties Dec 2006)
27-06-03	Econovite	Part V – Small Business	Misleading and deceptive conduct – labelling	Concluded 10-09-03 By Consent

27-06-03	Australian Biologics Testing Services Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – medical services	Concluded 12-07-04
----------	---	-------------------	---	--------------------

DETAIL OF ACCC LITIGATION (excluding GST matters) – Commenced in 01/02

01/02				
Date Commenced*	Company	Type of Matter	Brief Description	Notes
Date not specified	Autobarn Pty Ltd, Northern Accessories Pty Ltd and Dictomax Pty Ltd	Product Safety	Non-compliance with product safety standard – vehicle ramps	Concluded 29-04-02
Date not specified	Paul's Victoria Ltd	Part V - Consumer	Misleading and deceptive conduct – fruit drink labelling	Concluded 13-09-01 By Consent -Compensation (<i>cy pres</i>) ordered
##-07-01	Telstra	Part V - Consumer	Misleading and deceptive conduct – transfer of mobile services from collapsed One.Tel	Concluded Dec 01 -Refunds ordered
11-07-01	Multigroup Distribution Services Pty Ltd	Part V – Small Business	Misleading and deceptive conduct – freight transport	Concluded 07-01-04 By Consent
17-07-01	Kabushiki Kaisha Sony Computer Entertainment v Stevens	Intervention in private case	---	Not counted
27-07-01	The Buyers Group Pty Ltd & ors	Part V - Consumer	Misleading and deceptive conduct – muscle stimulation device	Concluded 08-04-03 By Consent -Refunds agreed
27-07-01	Lux Pty Ltd	Unconscionable Conduct - Consumer	Vacuum cleaner sales to intellectually disabled persons	Concluded 24-02-05
09-08-01	Purple Harmony Plates Pty Ltd and others	Contempt proceedings	Internet health cures	Not counted (cases not counted twice) Criminal - trader jailed
15-08-01	Pauls Limited, Malanda Dairyfoods Ltd, Cooperative Food Ltd & ors	Part IV – Competition	Anti-competitive agreements – wholesale milk and unprocessed milk	Concluded 19-12-02
24-08-01	Merck KGaA, F Hoffmann-La Roche Ltd, BASF Aktiengesellschaft and Takeda Chemical Industries Ltd	Part IV - Competition	Anti-competitive agreements - vitamins	Ongoing at end of 05/06 Concluded 07-07-06 Discontinued

13-08-01	Berri Ltd	Part V - Consumer	Misleading and deceptive conduct – origin claims	Concluded 04-05-04 By Consent
17-08-01	Entee Food & Beverage Distributors and Wholesalers Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – origin claims	Concluded 21-08-01
02-09-01	GIA Pty Ltd trading as Tamar Knitting Mills & Eric Ian Thompson (former Managing Director)	Part VC - Consumer	Misleading and deceptive conduct – origin claims	Concluded 23-10-02 Criminal
07-09-01	Quality Bakers Australia Ltd	Part V - Consumer	Misleading and deceptive conduct – charity promotion associated with sale of Buttercup products	Concluded 21-12-01
07-09-01	Orbit Homes Australia Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – home packages	Concluded 01/02 By Consent
17-09-01	Skybiz.Com Inc	Pyramid Scheme	Website pyramid scheme	Concluded 26-09-02
18-09-01	Suffolke Parke Pty Ltd and Gregory John Bradshaw	Unconscionable Conduct – Small Business	Conduct toward franchisee	Concluded 01/02 By Consent
21-09-01	Mitre 10 Australia Ltd	Part V - Consumer	Misleading and deceptive conduct – extent of price discounts	Concluded 23-04-03 By Consent
26-09-01	4WD Systems Pty Ltd and 4WD Systems Australia Pty Ltd	Unconscionable Conduct – Small Business	Franchising matters and supply to franchisees.	Concluded 13-08-03
26-09-01	Will Writers Guild Pty Ltd and Sidney James Murray	Part VC – Small Business	Misleading and deceptive conduct – Franchises – will writing	Concluded 07-02-03 Criminal (civil case also – Compensation ordered)
28-09-01	Commercial & General Publication Pty Ltd & Anthony Robert Hassett	Part VC – Small Business	Misleading and deceptive conduct – advertising - accepting payment without intention to supply	Concluded 01-11-02 Criminal
12-10-01	The Daniels Corporation International Pty Ltd and others	Clarification of s155 powers	Privilege claim over information sought by ACCC under statutory powers	Concluded 07-11-02
23-10-01	Hyundai Automotive Distributors	Product Safety	Non-compliance with product safety standard – vehicle jacks	Concluded 21-12-01
29-10-01	Woolworths Ltd	Part V - Consumer	Misleading and deceptive conduct –	Concluded 20-08-02

			regional origin of meat	
29-10-01	Westfield Shopping Centre Management Co (Qld) Pty Ltd, Westfield Management LTD, Westfield Design and Construction Pty Ltd	Unconscionable Conduct – Small Business	Lease negotiations.	Concluded 17-01-04 Undertaking
05-11-01	NRMA Health Pty Ltd trading as SGIC Health and SGIO Heath, NRMA Insurance Ltd and Saatchi & Saatchi Australia Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – private health insurance	Concluded 03-07-02 By Consent -Refunds ordered
14-11-01	Oceana Commercial Pty Ltd & others	Unconscionable Conduct – Consumer	Two-tier marketing of investment properties. Also misleading and deceptive conduct – property marketing	Concluded 05-07-04
26-11-01	Chaste Corporation Pty Ltd & others	Part V – Small Business	Misleading and deceptive conduct – weight loss distributorships Also Resale Price Maintenance	Concluded 02-09-05
30-11-01	Architectural & Structural Adhesives	Part V - Consumer	Misleading and deceptive conduct – origin claims	Concluded 14-12-01
07-12-01	Total Communications (Tas) Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – \$0 mobile phones	Concluded 12-12-01
07-12-01	Dell Computer Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – all-inclusive pricing	Concluded 20-12-02
14-12-01	Sensis Pty Ltd (formerly Pacific Access Pty Ltd)	Part V - Consumer	Misleading and deceptive conduct - yellow pages	Concluded 20-12-02
21-12-01	Dataline.net.au Pty Ltd	Unconscionable Conduct – Small Business	Internet-related services Also misleading and deceptive conduct – internet services	Ongoing at end of 06/07
17-12-01	Daewoo Australia Pty Ltd, Daewoo Heavy Industries and Machinery Limited & Eui Hwan Kang	Unconscionable Conduct – Small Business	Unconscionable conduct concerning appointment of a dealer in heavy machinery. Also misleading and deceptive conduct – heavy machinery	Concluded 06-12-02
24-12-01	DM Faulkner Pty Ltd &	Part IV -	Anti-competitive agreements – scrap	Concluded 09-12-04

	others	Competition	metal	By Consent
16-01-02	Redmond Holdings, Toowoomba Furniture and Electrical (Furnelect)	Part V - Consumer	Misleading and deceptive conduct – furniture prices	Concluded 18-02-03
23-01-02	Western District Health Fund Ltd	Part V - Consumer	Misleading and deceptive conduct – private health insurance	Concluded 16-10-02 By Consent -Refunds ordered
07-02-02	Wizard Mortgage Corporation Ltd	Part V - Consumer	Misleading and deceptive conduct – cost of mortgage	Concluded 25-10-02
15-03-02	Alex Salter Pty Ltd trading as Salters of Moorooka	Part V - Consumer	Misleading and deceptive conduct – vehicle pricing	Concluded 03-04-02 By Consent
12-03-02	Arnold's Ribs and Pizza Australia Pty Ltd	Unconscionable Conduct – Small Business	Fast food franchises	Concluded 13-10-03 By Consent
22-03-02	Waterman Collections Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – debt services	Concluded 18-04-02
22-03-02	Cadbury Schweppes Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – labelling of cordial products	Concluded 29-04-04
28-03-02	IT & T AG	Part V – Small Business	Misleading and deceptive conduct - directory	Concluded 22-07-04
08-04-02	Universal Sports Challenge Ltd and Mr Michael Kotowicz (Shark Challenge)	Part V - Consumer	Misleading and deceptive conduct – Sports event	Concluded May 02 By Consent
16-04-02	Mark Leyden, Stephen Robson, Paul Khoo	Part IV - Competition	Anti-competitive agreements – boycott of no-gap billing by obstetricians	Concluded 31-10-02 By Consent -Refunds undertaking
17-04-02	Internet Name Protection Pty Ltd trading as Internet Name Group	Part V – Small Business	Misleading and deceptive conduct – domain names	Concluded 11-10-02 By Consent
19-04-02	Advanced Medical Institute	Part V - Consumer	Misleading and deceptive conduct – erectile dysfunction	Concluded 02-12-03 By Consent
24-04-02	Kwik Fix International Pty Ltd & ors	Unconscionable Conduct – Small Business	Conduct in relation to franchising of mobile vehicle repairs	Concluded 09-09-03 By Consent
30-04-02	Allans Music Group Pty Ltd	Part VC - Consumer	Misleading and deceptive conduct – 'was-now' price	Concluded 13-12-02 Criminal

30-04-02	Fire Fighting Enterprises	Part V – Small Business	Misleading and deceptive conduct – Fire protection systems	Concluded 01/02
03-05-02	Danoz Direct Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – capabilities of Abtronic	Concluded 22-08-03
03-05-02	Virgin Mobile Australia Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – mobile phone plan prices	Concluded 11-12-02 By Consent
06-05-02	Crakerjack Productions and Network Ten	Part V - Consumer	Misleading and deceptive conduct – employment ads	Concluded 30-08-02 By Consent
07-05-02	Qantas Airways Ltd	Part IV - Competition	Misuse of Market Power – air travel	Discontinued by Consent
17-05-02	Collagen Aesthetics Australia Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – collagen and hylaform products	Concluded 11-04-03 By Consent
17-05-02	Internet TV Australia Pty Ltd Trading as Free2aiR and James Young	Unconscionable Conduct – Consumer	Harassment and coercion in dealings with customers – internet services	Concluded 30-11-05 By Consent
21-05-02	Leahy Petroleum Pty Ltd & others (Ballarat)	Part IV - Competition	Anti-competitive agreements - petrol	Concluded 02-06-06

DETAIL OF ACCC LITIGATION – Commenced in 00/01

(These matters were instigated prior to the 5-year time period of this analysis, but are included for information purposes, and to provide some indication as to whether 01/02 was an unusually active year; the table is not complete)

00/01				
Date Commenced*	Company	Type of Matter	Brief Description	Notes
03-07-00	Rod Turner Consulting Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – professional qualifications	Concluded 02-10-02 By consent
19-07-00	Emerald Ocean Distribution Pty Ltd & others	Part V - Consumer	Misleading and deceptive conduct – electronic muscle stimulation product	Judgment 17-03-06 On appeal – ongoing at end of 05/06 Concluded 11-08-06
27-07-00	Lux Pty Ltd	Unconscionable Conduct - Consumer	Selling vacuum cleaners	Concluded 24-02-05
21-07-00	Australian Medical Association (WA) and Mayne Group Ltd & others	Part IV - Competition	Anti-competitive agreements – medical rates	Concluded 09-07-03
04-08-00	Australian Industries Group Pty Ltd, trading as Half Price Shutters	Unconscionable Conduct – Small Business	Unconscionable behaviour towards franchisees. Also misleading and deceptive conduct.	Concluded 01-03-02 By Consent -Compensation ordered
28-09-00	CG Berbatis Holdings Pty td trading as Farrington Fayre Shopping Centre	Unconscionable Conduct – Small Business	Unconscionable Conduct – shopping centre leases	Concluded 09-04-03
26-10-00	Medibank Private Ltd	Part V - Consumer	Misleading and deceptive conduct – private health insurance	Concluded 13-05-04 By Consent
06-10-00	Michigan Group Pty Ltd & ors	Part V – Small Business	Misleading and deceptive conduct – orange juice machines	Concluded 04-02-03
10-11-00	ABB Transmission and Distribution et al	Part IV - Competition	Anti-competition agreements - transformers	Concluded 07-04-04
18-12-00	Michigan Group Pty Ltd, Queensland Juice Co. and others	Part V – Small Business	Misleading and deceptive conduct – Orange juice business	Concluded 04-02-03
22-01-01	Info4pc.com Pty Ltd &	Part V – Consumer	Misleading and deceptive conduct –	Ongoing at end of

	James Rae	(also contempt proceedings)	computers	05/06 Contempt proceedings concluded 31-07-02 Concluded 16-11-06
08-02-01	John Bevins Pty Ltd (see also MBF below)	Part V - Consumer	Misleading and deceptive conduct – whether advertising agency knowingly concerned – private health insurance	Concluded 30-11-04
08-02-01	Medical Benefit Funds of Australia Ltd (MBF) (see also John Bevins Pty Ltd above)	Part V - Consumer	Misleading and deceptive conduct – private health insurance	Concluded 16-12-03
19-03-01	Signature Security Group Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – GST pricing	Concluded 29-04-03
28-03-01	Stephen Henry Wayt trading as com.au.register	Part V – Small Business	Misleading and deceptive conduct – domain names	Concluded 26-02-02 By Consent
03-04-01	Michael Kotowicz, Universal Sports Challenge Limited	Part V - Consumer	Misleading and deceptive conduct – Golf tournaments	Concluded 23-10-02
05-04-01	Guardian Finance & Insurance Consultants Pty Ltd	Pyramid Selling	Home loan scheme	Concluded 11-06-02
09-04-01	inthebigcity.com Pty ltd and APN Newspapers Pty Ltd	Part V - Consumer	Misleading and deceptive conduct – employment opportunities	Concluded 03-08-01
12-04-01	Esanda Finance Corporation Ltd & ors	Unconscionable Conduct - Consumer	Debt collection - physical force, harassment	Concluded 25-11-03
27-04-01	Avanti Investments Pty Ltd and Dr Giuseppe Barbaro	Unconscionable Conduct – Small Business	Water charges to market garden leases	Concluded 01/02 By Consent
23-05-01	Purple Harmony Plates Pty Ltd, Neal Arthur Lyster and Helen Therese Glover	Part VC - Consumer	Misleading and deceptive conduct – health claims	Concluded 09-04-02 Criminal
25-05-01	Axxess Australia Pty Ltd, Benchmark Sales Pty Ltd, Peter Edward Russell Slaney & Stephen Vincent	Unconscionable Conduct - Consumer	‘Slamming’ of telephone services.	Concluded 13-03-02

	McGovern			
##-05-01	Quality Bakers Australia Ltd	Part V - Consumer	Misleading and deceptive conduct – Charity contributions from sale of ‘Buttercup’ products	Concluded 21-12-01 By Consent
05-06-01	Greenstar Cooperative Ltd, Bio Enviro Plan Pty Ltd, and others	Pyramid Scheme	Earthworms and organic fertilisers	Concluded 13-04-04
29-06-01	Solutions Software International Pty Ltd & ors	Unconscionable Conduct - Consumer	Conduct in relation to betting software Also misleading and deceptive conduct	Concluded 03-09-02
Date not specified	Apollo Optical (Australia) Pty Ltd & Monza Imports Pty Ltd	Product Safety	Non-compliance with product safety standard - sunglasses	Concluded 17-10-01
