



may ultimately allow the trader to continue the harmful conduct. On the other hand, a failure to seek intervention from the court may allow the trader to continue breaching the Act, to the detriment of businesses and consumers.

The federal government has acknowledged the problems that exist in this area and has decided in favour of amendments to the law recommended by the ACCC in its submission to the Senate Economic References Committee inquiry into the effectiveness of the Trade Practices Act in protecting small business.

These amendments propose extending the ACCC's existing evidence-gathering powers so that they do not cut out while hearings for interim injunctions are under way. This would allow the ACCC to act without hesitation when seeking to end harmful behaviour without interfering in the court's processes or risking its own ability to investigate a matter fully and put together a strong case against rogue traders.

If these amendments are passed by federal parliament, the ACCC expects the changes they will bring about will be a victory for consumers and small businesses, because the regulator will then be able to take swift action where necessary without risking its chances of dealing with an unscrupulous trader once the matter reaches court. ●

BUSINESSMAN JAILED FOR IGNORING REQUESTS

In March this year the Federal Court in Melbourne sentenced a peddler of bogus medical treatments, Paul John Rana, to a six-month jail sentence for ignoring ACCC requests for information.

Mr Rana was found to have failed to comply with notices issued under s. 155 of the Trade Practices Act, which deals with the ACCC's information-gathering powers.

The ACCC had been investigating Mr Rana and his company NuEra over misleading claims that he could help terminally ill sufferers of cancer and other serious medical conditions.

In June the ACCC also launched criminal proceedings against the owner of cardboard box company Visy, Richard Pratt, for allegedly giving false information during an ACCC investigation.

The allegations relate to evidence Mr Pratt gave to the ACCC in 2005 during its civil proceedings against Visy's involvement in a cardboard box cartel. ●

