

**TRADE PRACTICES ACT 1974 - SECTION 87B**  
**UNDERTAKING**

**PERSON GIVING UNDERTAKING**

This Undertaking is given to the Australian Competition and Consumer Commission ("the Commission") by GARRY WILSON, of 7 First Street, Boolaroo, New South Wales ("Mr Wilson"), under section 87B of the *Trade Practices Act 1974* ("the Act").

**BACKGROUND**

Between 15 January 1998 and 29 January 1998 Mr Wilson promoted via newsgroup bulletin boards over the Internet, via his website on the Internet, and via membership webpages on the Internet, the "PowerPage", "The Success Club", "International HomeBiz Group" and "Automatic Money Machine" schemes ("the Schemes").

Under each of the Schemes, participants made payments to participate in the scheme, and received payments for introducing other persons to that scheme. Mr Wilson promoted the prospect of receiving such payments, which formed a substantial part of the inducement to enter into the Schemes.

The Commission considers, and has advised Mr Wilson, that each of the Schemes involved pyramid selling, and that his promotion of the Schemes was contrary to section 61 of the Act.

In addition, the Commission considers that Mr Wilson's express or implied representations to members of the public using the Internet that the Schemes were lawful, and would provide participants with large amounts of money, were misleading and deceptive or likely to mislead and deceive, contrary to section 52 of the Act.

Mr Wilson accepts that his conduct described above breached the Act. Mr Wilson has offered to give the Undertaking contained herein to the Commission, to address the Commission's concerns in relation to this matter.

The Commission has agreed to accept the Undertaking from Mr Wilson under section 87B of the Act.

### **COMMENCEMENT OF UNDERTAKING**

1. This Undertaking comes into effect when:
  - (a) the Undertaking is signed by Mr Wilson; and
  - (b) the Undertaking so signed is accepted by the Commission.

### **OBLIGATIONS UNDER UNDERTAKING**

2. Mr Wilson will:
  - a. cease to promote via the Internet the "PowerPage", "The Success Club", "International HomeBiz Group" or "Automatic Money Machine" schemes;
  - b. refrain from promoting via the Internet these or any other pyramid selling schemes;
  - c. within 7 days of the date of this Undertaking, contact his sponsor, and the organiser or promoter in each of the "PowerPage", "The Success Club", "International HomeBiz Group" or "Automatic Money Machine" schemes and notify them that:
    - i. the Commission has advised Mr Wilson that promotion of the scheme via the Internet is illegal in Australia; and
    - ii. Mr Wilson wishes to terminate his membership of the scheme and requests that his member webpage be removed promptly, providing a copy of each such notification to the Commission;

- d. within 7 days of the date of this Undertaking, provide the Commission with the names and full contact details, including email addresses, of each person in his upline (being those persons who receive payment as a result of his participation in the Schemes) and downline (being those persons in respect of whose participation in the Schemes he receives payment) for each of the Schemes, together with printouts of those uplines and downlines;
- e. within 21 days of the date of this Undertaking, send to each person in his upline and downline in each of the Schemes, a notice in the form attached and marked "A";
- f. within 21 days of the date of this Undertaking, repay the joining or participation fees of each person whom he has sponsored or induced to participate in any of the Schemes, or in respect of whose participation in any of the Schemes he has received any payment, and provide evidence to the reasonable satisfaction of the Commission of each such repayment;
- g. within 21 days of the date of this Undertaking, send to each of the newsgroups (including email, uselink and usenet lists) to whom he sent bulletins promoting the Schemes, a bulletin in the form attached and marked "B".
- h. send to each person who contacts him in future in relation to participation in any of the Schemes a response in the form attached hereto and marked "C";
- j. establish within 21 days of the date of this Undertaking, and maintain for a period of 6 months, at his own expense, an additional webpage to his website at <[www.simplecom.net/gazza/](http://www.simplecom.net/gazza/)>, which webpage shall:

- i. be an electronic version of the page attached hereto and marked "D";
- ii. contain a link to the Commission's website at www.accc.gov.au;
- iii. be accessible from each page on this website by a prominently displayed hypertext link to the webpage, presented as:

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3. Mr Wilson notes that the Commission may make public the terms of this Undertaking.

Signed on the <sup>2ND</sup> day of <sup>APRIL</sup> ~~March~~ 1998.

*Garry Wilson*.....  
Garry Wilson

Before me:

*[Signature]*.....  
Justice of the Peace/~~Solicitor~~  
[print name]  
*SHODGETS*

ACCEPTED BY THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

*[Signature]*.....  
Chairman

Dated: *22* March 1998