



**Australian Competition & Consumer Commission**

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File ref: S2003/57

28 October 2003

Ms Dianne Dewar  
Globe Wines Pty Ltd  
6/30 Gouldsbury Street  
Mosman NSW 2088

Dear Ms Dewar,

***Allegations of Unconscionable and Misleading and Deceptive conduct by Orlando Wyndham Group Pty Ltd ("Orlando") against Globe Wines Pty Ltd ("Globe").***

As I advised in my letter to you dated 25 September 2003, I wrote to Ms Spencer, Legal Counsel for Orlando, and requested whether Orlando was willing to provide Globe access to all or part of the documents they have provided the Commission.

I have now received a response from Orlando regarding your request. Orlando has also responded to Globe's allegation of certain statements made by Mr Don Lester to you at a meeting on 28 February 2000.

***Globe's request for Orlando's documents***

Orlando has denied permission for Globe to have access to documents provided to the Commission by Orlando during the course of this investigation. However, as requested the following is a list describing the documents obtained:

- 1) Letter dated 18 October 2003 from PR Stephens (National Grower Liaison Manager at Orlando) to Globe;
- 2) Summary of OWG payments to Globe for Chardonnay versus Weighted District Average Prices;
- 3) Facsimile dated 16 January 1998 from Stephen Guilbaud-Oulton at Orlando to Ms Diane and Mr Peter Dewar at Globe;



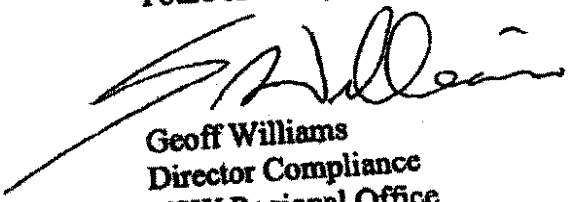
- 4) Vintage Notes 1998-99 excerpts to Stephen Guilbaud-Oulton;
- 5) 1997 to 2002 Actual and Potential Quality Classification and Product Allocation;
- 6) Classification tasting notes for 1999 KenMarie Chardonnay by Bernard Hickin;
- 7) Classification tasting notes for 1998 for Montrose Winery, Mudgee, by Bernard Hickin;
- 8) Classification tasting notes for 1998 KenMarie Chardonnay by Bernard Hickin;
- 9) Classification tasting notes for 1997 KenMarie Vineyard Wines by Bernard Hickin;
- 10) Supreme Court of NSW Affidavit of Bernard Hickin, sworn on 30 May 2001;
- 11) 1997 Field assessment of KenMarie Vineyard;
- 12) Summary notes of visit to Globe dated 12 February 2002, from Phillip John to Brett McKinnon;
- 13) Globe 2002 Vintage - Pest and Disease Report;
- 14) Facsimile dated 3 March 1998 from Ms Diane Dewar to Stephen Guilband-Oulton and Howard Bourne at Orlando;
- 15) E-mail dated 17 February 2000 from Russell Johnstone to Bryan Fry and Jason Dunne;
- 16) KenMarie Botrytis Report Form for February 1995;
- 17) Miscellaneous notes regarding KenMarie Vineyard - dated 21 January 2000;
- 18) 1997-98 Growing Season Summary for KenMarie;
- 19) Facsimile dated 30 January 2001 from Nick Murphy to Jason Dunn with enclosed vintage 2001 block assessment form;
- 20) Quality assessment notes for KenMarie Vineyards dated 22 January 2001;
- 21) Quality assessment notes for KenMarie Vineyards dated 5 February 2001;
- 22) Supreme Court of NSW Affidavit of Stephen Guilbaud-Oulton sworn on 30 May 2001;
- 23) Orlando Grower Report - 1997 Vintage;
- 24) Orlando Grower Report - 1998 Vintage;
- 25) Orlando Grower Report - 1999 Vintage;
- 26) Orlando Grower Report - 2000 Vintage;
- 27) E-mail dated 25 February 2000 from Brett McKinnon to Don Lester and Bryan Fry;
- 28) E-mail dated 26 February 2000 from Jason Dunne to Don Lester and Bryan Fry;
- 29) Document dated 26 February 2000 by Mr D Lester (2000 Grower Estimate v Receipts Report);
- 30) Letter send by facsimile dated 13 July 2000 from Jason Dunne to Andrew Dibley.

#### ***Globe's allegation***

Orlando has advised the Commission that Mr Lester does not deny that a conversation took place with you on 28 February 2000 at the offices of Blake Dawson Waldron. However, Mr Lester denies that during the conversation he said words to the effect to you that "according to Mr McKinnon, the majority of Globe's vintage was premium".

According to Mr Lester, he says that he stated to you that about 20% of the blocks were likely to be "W2" (premium), 32% were probably semi-premium and 48% would probably be classified as commercial grade.

Yours sincerely



Geoff Williams  
Director Compliance  
NSW Regional Office