



**DOMESTIC DIGITAL MOBILE TERMINATING  
ACCESS SERVICE**

**ACCESS UNDERTAKING TO THE**

**AUSTRALIAN COMPETITION AND CONSUMER  
COMMISSION UNDER DIVISION 5 OF PART XIC OF  
THE TRADE PRACTICES ACT 1974 (CTH)**

**1. PURPOSE**

- (a) This Undertaking is given by Vodafone Network Pty Limited (ACN 081 918 061) and Vodafone Australia Limited (ACN 056 161 043) (together **Vodafone**) to the Australian Competition and Consumer Commission (**Commission**) on 26 November 2004.
- (b) This document contains an ordinary access undertaking (**Undertaking**) of Vodafone to the Commission in relation to the terms and conditions upon which it will comply with its standard access obligations in relation the Domestic Digital Mobile Terminating Access Service (**Declared Service**) pursuant to section 152BS of the *Trade Practices Act 1974 (Cth)* (**TPA**).

**2. COMMENCEMENT AND DURATION**

- (a) This Undertaking becomes effective immediately after the Undertaking is accepted by the Commission under Division 5 of Part XIC of the TPA, and either:
  - (i) any applicable appeal period in relation to the acceptance by the Commission of the Undertaking has expired; or
  - (ii) if an appeal is lodged, there is a final resolution of that appeal and any subsequent appeals in a way which permits the Undertaking to take effect.

**(Commencement Date)**

- (b) This Undertaking continues until the earlier of:
  - (i) 3 years from the Commencement Date; or
  - (ii) the withdrawal or termination of this Undertaking by Vodafone in accordance with the TPA.

### **3. UNDERTAKING**

- (a) Vodafone undertakes to the Commission that it will comply with the terms and conditions specified in Attachment A of this Undertaking in relation to the standard access obligations applicable to Vodafone in respect of the Declared Service.
- (b) For the avoidance of doubt, this Undertaking:
  - (i) does not specify all the terms and conditions on which Vodafone will comply with the standard access obligations that are applicable to it in respect of the Declared Service, but only some of them. This Undertaking therefore does not constitute an offer by Vodafone to provide the Declared Service to an Access Seeker;
  - (ii) does not apply to the Declared Service to the extent that there are no standard access obligations applicable to Vodafone in respect of the Declared Service for reasons including, without limitation, the granting of an exemption by the Commission under section 152AT of the TPA in respect of the Declared Service or the variation or revocation of a declaration by the Commission under section 152AO of the TPA in respect of the Declared Service; and
  - (iii) only applies to the supply of the Declared Service in respect of voice calls on Vodafone's GSM network.

### **4. WITHDRAWAL, REPLACEMENT AND VARIATION**

Nothing in this Undertaking is to be taken to limit Vodafone's rights to amend, replace or vary this Undertaking in accordance with the TPA or otherwise.

### **5. NO ADMISSIONS**

Vodafone has applied for judicial review of the Commission's Final Decision regarding the Declared Service in relation to the "price related terms and conditions" said to be stated in Annexure 2 to that decision (*Vodafone Australia Limited & Vodafone Network Pty Limited v Australian Competition and Consumer Commission – No. 1151 of 2004*). The Undertaking and attached submission are submitted on the basis that Vodafone makes no admissions about, or

relating to, the matters in issue in that proceeding, and without prejudice to Vodafone's position in that proceeding.

**SIGNED BY MARK STEINBERG  
FOR VODAFONE NETWORK PTY LIMITED (ACN 081 918 061) AND  
VODAFONE AUSTRALIA LIMITED (ACN 056 161 043)**

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Signature of witness

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Name of witness (block letters)

**ATTACHMENT A – VODAFONE AGREEMENT FOR THE PROVISION OF MOBILE  
TERMINATING ACCESS SERVICE**