

**TRADE PRACTICES ACT 1974****VARIATION TO UNDERTAKING GIVEN TO THE
AUSTRALIAN COMPETITION AND CONSUMER
COMMISSION FOR THE PURPOSES OF SECTION 87B****BY****MOORE TALK COMMUNICATIONS PTY LTD
ACN 084 068 164****BACKGROUND**

- (1) An Undertaking offered by Moore Talk Communications Pty Ltd ("MTC") in accordance with Section 87B of the Act was accepted by the Australian Competition and Consumer Commission ("the Commission") on 16 May 2000.
- (2) Clause 11(v)(w) of the Undertakings requires amongst other things that MTC shall cause, at its own expense, an independent audit of its compliance program to be conducted by a suitably qualified compliance professional who is entirely independent of MTC.
- (3) Further, Clause 11(v)(y) of the Undertakings requires amongst other things that MTC cause audit reports to be prepared and presented upon each of the first three anniversaries of the time at which this Undertaking takes effect (that is, 16 May 2001, 16 May 2002 and 16 May 2003), and on any additional occasions as the auditor reasonably determines necessary.
- (4) MTC have been unable to comply with the first anniversary date because of delays in formulating and finalising its trade practices Compliance Program ("the Program"). As a consequence the independent audit of this Program has been delayed.
- (5) To address this situation and to ensure the spirit of the Undertaking is not altered, MTC has offered this Variation to the Undertaking of 16 May 2000 in accordance with Section 87B(2) of the Act.

COMMENCEMENT OF VARIATION OF UNDERTAKING

- (6) This Variation comes into effect when:
 - (i) the Variation is executed by MTC; and
 - (ii) the Commission accepts the Variation so executed.

VARIATION TO UNDERTAKING

WHEREAS:

Clause 11 of the Undertaking provides in part:

“(11) MTC undertakes for the purposes of Section 87B of the Act:

- (v) Action taken by MTC in pursuance of the matters at (iv) above will include:

Audit of the trade practices compliance program

- (y) At the completion of the first such audit and the provision of the auditor’s report to the Commission, audit reports shall be prepared and presented upon each of the first three anniversaries set out below and, on any additional occasions as the auditor reasonably determines necessary:

- (i) On or before 16 November 2001
- (ii) On or before 16 November 2002
- (iii) On or before 16 November 2003

IN WITNESS of these undertakings and its agreement the common seal of **MOORE TALK COMMUNICATIONS PTY LTD ACN 084 068 164** was hereunto affixed by authority of the Board of Directors in the presence of:

.....*Dee*.....
Secretary/Director

.....*L Moore*.....
Director

This 3rd day of September 2001

Accepted by the **AUSTRALIAN COMPETITION AND CONSUMER COMMISSION** pursuant to Section 87B of the Trade Practices Act 1974.

.....*[Signature]*.....
(Professor Allan Fels)
Chairman

This 12 day of Sept 2001