



## TRADE PRACTICES ACT 1974 - SECTION 87B UNDERTAKING

### Person giving undertaking

1. This undertaking is given to the Australian Competition and Consumer Commission ("the ACCC") by Constantine Xenoudakis ("Mr Xenoudakis") under section 87B of the *Trade Practices Act 1974* ("the Act").

### Background

2. In 2001 the ACCC instituted Federal Court proceedings Q252 of 2001 against Chaste Corporation Pty Ltd (in liquidation) and associated persons including Mr Xenoudakis ("the proceedings"). The proceedings involve, inter alia, resale price maintenance, and misleading or deceptive conduct, in breach of sections 48 and 52 of the Act. The conduct is set out the statement of claim filed in the proceedings.
3. As part of the resolution of the proceedings, Mr Xenoudakis has admitted contraventions of the Act and consented to injunctions and other orders, and has agreed to provide to the ACCC the undertaking contained herein that he will participate in trade practices compliance training program, to ensure, so far as reasonably possible, he is not involved in further contraventions of the resale price maintenance provisions of the Act, or Part V of the Act.
4. The ACCC has agreed to accept the undertaking from Mr Xenoudakis under section 87B of the Act.

### Commencement of Undertaking

5. This undertaking comes into effect when:
  - 5.1. the undertaking is executed by Mr Xenoudakis ; and
  - 5.2. the undertaking so executed is accepted by the ACCC.

### Undertakings

6. Mr Xenoudakis undertakes that:
  - 6.1. he will, within 30 days of the acceptance of this undertaking, nominate to the ACCC for its approval a form of trade practices compliance training which he will undertake

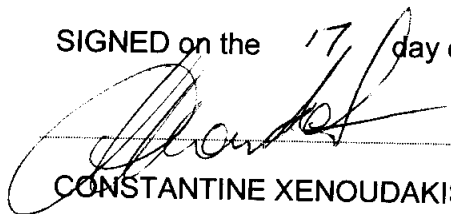
at his own expense, such training to deal, at a minimum, with the responsibilities of businesses under section 48, section 96 and Part V of the Act, and to commence not later than 90 days from the date of acceptance of this undertaking;

- 6.2. he will, unless advised by the ACCC within 21 days of his nomination that the nominated training is not acceptable, participate in the nominated trade practices compliance training within 90 days of the date of this undertaking; and
- 6.3. he will, if advised by the ACCC that the nominated training is not acceptable, at his expense participate in trade practices compliance training nominated by the ACCC, within 90 days of such notification.

### **Acknowledgments**

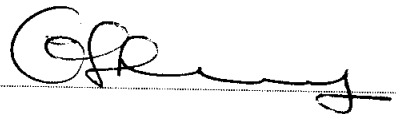
7. Mr Xenoudakis acknowledges and accepts that:
  - 7.1. the ACCC may make this undertaking available for public inspection including by placing it on a register, publishing it and allowing third parties to publish it, and that the ACCC may from time to time publicly refer to this undertaking, including by way of media release;
  - 7.2. this undertaking in no way derogates from the rights and remedies which may be available to any other person arising from the alleged conduct.

SIGNED on the 17 day of March 2004

  
CONSTANTINE XENOUDAKIS

  
WITNESS

**ACCEPTED BY THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION**

  
CHAIRMAN

Dated: 30<sup>th</sup> March 2004