

Video Ezy Australasia Pty Ltd

(ACN 073 076 294)

Variation to section 87B Undertaking

Background

- A On 27 May 2008, the Commission accepted the Original Undertaking offered by Video Ezy pursuant to section 87B of the Act in order to resolve issues raised by the Commission in relation to free-to-air and pay television commercials for the Relevant Titles, and the SMS advertisements for 'Harry Potter and the Order of the Phoenix' and 'The Simpsons Movie', in a non-contentious and timely manner.
- B Upon review of Video Ezy's Compliance Program, the Commission raised concerns that Video Ezy was not intending to engage the Compliance Instructor to deliver training at the induction sessions of relevant staff.
- C As Video Ezy considers it would be impractical and unnecessarily costly to engage the Compliance Instructor to deliver training at induction sessions, Video Ezy has sought this Variation so that Video Ezy is not required to engage the Compliance Instructor to deliver trade practices training at induction sessions.
- D The Commission is satisfied that this Variation is appropriate.

1 Definitions

1.1 In this Variation, unless the contrary intention appears, any term defined in the Original Undertaking and not defined in this Variation has the meaning given in the Original Undertaking.

1.2 In this Variation, the following definitions apply:

Original Undertaking means all of the provisions of the undertaking, including its annexures, accepted by the Commission pursuant to section 87B of the Act on 27 May 2008.

Variation means all of the provisions of this document.

2 Commencement of Variation

2.1 This Variation comes into effect when:

2.1.1 the Variation is executed by Video Ezy; and

2.1.2 the Variation so executed is accepted by the Commission.

3 Variation to clause 1.1 - Definitions

3.1 Clause 1.1 of the Original Undertaking is amended as follows:

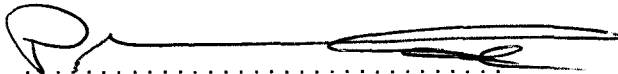
3.1.1 by varying the definition of "**Undertaking**" by inserting the words ", as varied from time to time in accordance with section 87B(2) of the Act" after the words "including its Attachments and Annexures"; and

4 Variation to clause 5 of Annexure A - Compliance Training

4.1 Clause 5 of Annexure A to the Original Undertaking is amended by deleting the words "and at Staff inductions".

Execution and date

Executed by **Video Ezy Australasia Pty Ltd (ACN 073 076 294)** acting by the following persons or, if the seal is affixed, witnessed by the following persons:

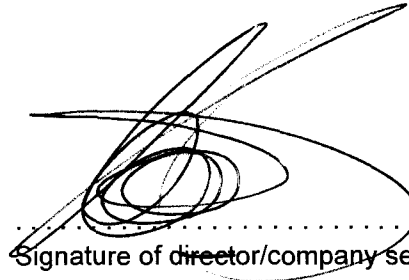


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Signature of director

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Paul Wisniewski

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Name of director (print)

Date: 31st FEBRUARY 2009

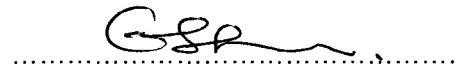


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Signature of director/company secretary

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WILLIAM HOWES

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Name of director/company secretary (print)

This Variation offered by Video Ezy Australasia Pty Ltd (ACN 073 076 294) is accepted by the Australian Competition and Consumer Commission pursuant to section 87B of the *Trade Practices Act 1974*



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Graeme Julian Samuel
Chairman

Date: 10th February 2009