
Competition and Consumer Act 2010

Variation to an Undertaking given to the
Australian Competition and Consumer
Commission under section 87B

Given by InvoCare Limited (ACN 096 437 393)

1 Persons giving this Variation

- 1.1 This Variation is given to the Australian Competition and Consumer Commission (**ACCC**) by:
- (a) InvoCare Limited (ACN 096 437 393) (**InvoCare**), on behalf of itself and its subsidiaries including Bledisloe Group Holdings Pty Ltd (ACN 117 060 134) (**Bledisloe**).

2 Background

- 2.1 On 8 June 2011, the Australian Competition and Consumer Commission (**ACCC**) accepted an undertaking (the **Undertaking**) under section 87B of the *Competition and Consumer Act 2010* (the **Act**) from InvoCare in connection with the Proposed Acquisition.
- 2.2 InvoCare has applied to the ACCC to vary the Undertaking with the purpose of reducing the period in which InvoCare is restricted from utilising the services of the Approved Independent Manager for a purpose other than compliance with the Undertaking.

3 Commencement

- 3.1 This Variation comes into effect when:
- (a) this Variation is executed by InvoCare; and
 - (b) the Commission accepts this Variation so executed.


4 Variation to clause 8.3 – Obligations in relation to the Approved Independent Manager

- 4.1 Clause 8.3(c)(vi) of the Undertaking is amended by deleting the words “12 months” and inserting the words “3 months” in their place.
- 4.2 The varied Clause 8.3(c)(vi) of the Undertaking will accordingly read as follows:
- Not appoint the Approved Independent Manager, or have any agreements, understandings or arrangements with the Approved Independent Manager, to utilise the Approved Independent Manager’s services for anything other than compliance with the Undertaking until at least 3 months after the Approved Independent Manager ceases to act in the role of the Approved Independent Manager.

5 Defined terms and interpretation

- 5.1 Any term defined in the Undertaking and not defined in this Variation has the meaning given in the Undertaking, unless the contrary intention appears.
- 5.2 **Variation** means this variation to the Undertaking.

Executed by InvoCare Limited ACN 096 437 393 pursuant to section 127(1) of the *Corporations Act 2001*



Signature of director



Signature of a director/company secretary
[Please delete as applicable]

ANDREW SMITH

Name of director (print)

PHILLIP FRIER

Name of director/company secretary
[Please delete as applicable] (print)

Date

1/11/11

Date

1/11/11

Accepted by the Australian Competition and Consumer Commission pursuant to section 87B of the *Competition and Consumer Act 2010*



Rodney Graham Sims
Chairman

Date

16/11/11