

**VARIATION TO UNDERTAKING TO THE AUSTRALIAN COMPETITION AND
CONSUMER COMMISSION GIVEN FOR THE PURPOSES OF SECTION 87B**

BY

Optus Internet Pty Limited ACN 083 164 532

1) Background

- a) On 11 December 2017 the Australian Competition and Consumer Commission (ACCC) accepted an undertaking given by Optus Internet Pty Limited (Optus) of Building C, Level 4, 1-7 Lyonpark Road, Macquarie Park 2113 in the State of New South Wales, pursuant to section 87B of the *Competition and Consumer Act 2010* (the Act) (the Undertaking).
- b) The purpose of this variation to the Undertaking is to:
 - i. extend the date by which Optus must contact current and former Affected Consumers;
 - ii. amend the content of a corrective notice and the time period for which Optus must display the corrective notice on its website;
 - iii. amend the requirement for Optus to contact future Affected Consumers; and
 - iv. extend the date by which Optus is to provide a report to the ACCC.
- c) The ACCC is satisfied that the variation sought is appropriate in the circumstances.

2) Commencement of this Variation to the Undertaking

- a) This variation comes into effect when:
 - i. the variation is executed by Optus; and
 - ii. the ACCC accepts the Variation so executed.

3) Variation to the Undertaking

The Undertaking is varied as follows:

- a) delete the following wording in each of sub-paragraphs (1)(a)(i), (1)(b)(i), (1)(c)(i), (2)(a)(i) and (2)(b)(i) of Attachment A of the Undertaking:

“2 March 2018”

and replace with the words:

“6 April 2018”.

- b) in sub-paragraph (4)(a) of Attachment A of the Undertaking, after the words:
"below the advertised maximum speed of the consumer's Speed Plan, ",
add the following words:
"within the first four weeks of data being available or 6 April 2018, whichever is later, ".
- c) delete the following wording in paragraph (5) of Attachment A of the Undertaking:
"for a period of 90 consecutive days"
and replace with the words:
"until 15 April 2018".
- d) in sub-paragraph (6)(a) of Attachment A of the Undertaking, before the words:
"Did you purchase an Optus NBN plan on or after 1 September 2015?",
add the following wording as a separate line of bolded text:
"Notice of delay – Optus will be contacting affected consumers by 6 April 2018".
- e) delete the following wording in sub-paragraph (6)(a) of Attachment A of the Undertaking:
"Optus will be contacting affected consumers no later than 2 March 2018"
and replace with the words:
"Optus has been delayed and will be contacting affected consumers by 6 April 2018.
- f) in sub-paragraph (6)(a) of Attachment A of the Undertaking, after the words:
"including a refund, moving to a lower speed plan or exiting their contract."
add the following words:
"Optus had previously stated that it would contact affected consumers by 2 March 2018."
- g) delete the following wording in paragraph (10) of Attachment A of the Undertaking:
"30 April and 4 May 2018"
and replace with the words:
"4 June and 8 June 2018".

h) delete the following wording in Attachment C of the Undertaking:

"2 March 2018"

and replace with the words:

"6 April 2018".

4) Acknowledgements

a) Optus acknowledges that:

- i. the ACCC will make this variation available for public inspection, and
- ii. the ACCC will from time to time, refer to this variation including in news media statements and in ACCC publications.

Executed by

Optus Internet Pty Limited (ACN 083 164 532) pursuant to section 127(1) of the
Corporations Act 2001



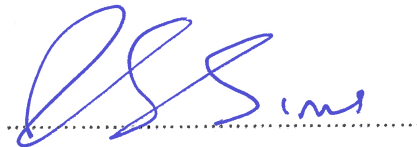
Secretary/Director



X X
Director

This ^{28th} day of ~~FEBRUARY~~ 2018

Accepted by the Australian Competition and Consumer Commission pursuant to s87B of the
Competition and Consumer Act 2010



Rodney Graham Sims

Chairman

This ^{1st} day of ~~March~~ 2018