

**UNDERTAKING TO THE AUSTRALIAN COMPETITION AND CONSUMER
COMMISSION GIVEN UNDER SECTION 87B OF THE TRADE PRACTICES ACT
1974**

BY

MONIQUE TOMPSON

PERSON GIVING UNDERTAKING

1. This undertaking is given to the Australian Competition and Consumer Commission (the "**Commission**") by Monique Tompson of Level 2, 50 King Street, Sydney, NSW 2000, under section 87B of the *Trade Practices Act 1974* (the "**Act**").

BACKGROUND

2. During 2000 a competition known as the Shark Challenge (the "**competition**") was managed, promoted and run by Universal Sports Challenge Limited ("**USCL**").
3. My responsibilities at USCL and previously at Greg Norman Production Company were the co-ordination of the day-to-day operations of the Shark Challenge competition. In that role I undertook my duties under the direction of, and reported to, Frank Williams who was the Chief Executive of the Shark Challenge.
4. Amateur golfers were able to enter the competition by phone, mail or via an internet site at www.sharkchallenge.com and www.sharkchallenge.com.au, and upon payment of a membership fee became eligible for monthly prize draws to win cars, holidays or golf clubs.
5. The Shark Challenge was promoted in the media, including in the Australian Golf Digest, the Australian newspaper and on the websites located at www.sharkchallenge.com and www.sharkchallenge.com.au. Promotion of the competition represented that competitors who submitted to the Shark Challenge point scoring cards from at least 9 rounds of golf would be eligible to qualify to play in a golf tournament known as a "first round final" which would be held in Australia. The promotion also represented that the best of the first round finalists would have the opportunity to join Greg Norman at a Shark Challenge at an overseas destination (the "**Representations**").
6. During December of 2000 the Commission received a complaint about "The Shark Challenge" competition.

7. The International Final was not held at an overseas destination. Instead it was renamed the Grand Final and was held at Pelican Waters Golf Club in Caloundra, Queensland on the weekend of 27 and 28 January 2001.
8. The Commission is concerned that USCL has made representations that contravene section 52 of the Act and that Monique Tompson was knowingly concerned in the contravention.
9. Monique Tompson acknowledges that:
 - (a) section 52 of the Act prohibits conduct that misleads or deceives or is likely to mislead or deceive; and
 - (b) for the purposes of Division 1 of Part V of the Act, section 51A(1) provides that where a corporation makes a representation with respect to any future matter and the corporation does not have reasonable grounds for making the representation, the representation shall be taken to be misleading.
10. Monique Tompson admits to being knowingly concerned in conduct which has contravened section 52 of the Act.
11. Monique Tompson has offered the Commission this undertaking in accordance with section 87B of the Act.

COMMENCEMENT OF UNDERTAKING

12. This undertaking comes into effect when:
 - (i) the undertaking is executed by Monique Tompson; and
 - (ii) the Commission accepts the undertaking so executed.

UNDERTAKINGS

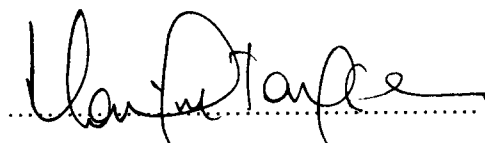
13. Monique Tompson gives the following undertakings to the Commission for the purposes of section 87B of the Act:
 - (a) she will, within 120 days of the acceptance of this undertaking, nominate to the Commission for its approval a form of trade practices compliance training which she will undertake, such training is to:
 - (i) deal, at a minimum, with the responsibilities of businesses under Part V of the Act; and

- (ii) commence not later than 180 days from the date of acceptance of this undertaking;
- (b) she will, unless she is advised by the Commission within 28 days of her nomination made pursuant to clause 13(a) of this undertaking that the nominated training is not acceptable, participate in the nominated trade practices compliance training within 180 days from the date of this undertaking;
- (c) she will, if advised by the Commission within 28 days of her nomination made pursuant to clause 13(a) of this undertaking that the nominated training is not acceptable, participate in trade practices compliance training nominated by the Commission, within 180 days of such notification; and
- (d) she will, for a period of 12 months from the date of this Undertaking, refrain from engaging in conduct which would contravene section 52 of the Act.

ACKNOWLEDGEMENTS

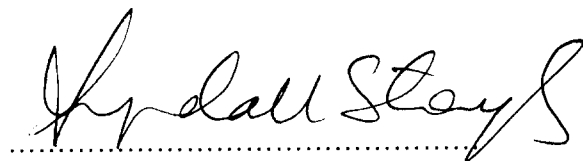
- 14. Monique Tompson acknowledges the Commission's right to make this undertaking available for public inspection and notes that the Commission will, at its discretion, from time to time, publish and publicly refer to this undertaking.
- 15. Monique Tompson acknowledges and accepts that this undertaking in no way derogates from the rights and remedies available to any person arising from the company's conduct referred to in this undertaking.

SIGNED on the 24 day of July 2001.



Monique Tompson

Before me:



Solicitor

**ACCEPTED BY THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
PURSUANT TO SECTION 87B OF THE TRADE PRACTICES ACT 1974**



Professor Allan Fels

Chairman

This 8 day of August 2001.