

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

**BY**

**SHINN FU (AUSTRALIA) PTY LTD (ACN 065 304 743)**



**BACKGROUND**

- (1) On 9 January 2001 the Commission accepted an Undertaking offered by Shinn Fu (Australia) Pty Ltd ('Shinn Fu') in accordance with section 87B of the *Trade Practices Act 1974* ('the Act').
- (2) Clause 21(v) of the Undertaking requires, amongst other things, that Shinn Fu cause, at its own expense, an independent audit of its compliance program to be conducted within 12 months of the date on which the Undertaking took effect and upon each of the three anniversaries of the date on which the Undertaking took effect.
- (3) Clause 21(y) of the Undertaking requires that Shinn Fu provide a copy of each audit report to the ACCC within one week of each audit.
- (4) Shinn Fu has requested that the due date for providing the audit reports be set at 31<sup>st</sup> March 2002, 30<sup>th</sup> September 2003, 31<sup>st</sup> March 2004 and 31<sup>st</sup> March 2005 due to a number of difficulties experienced by Shinn Fu since signing the Undertaking which have prevented Shinn Fu from fulfilling its obligations pursuant to the Undertaking.
- (5) To ensure the spirit of the Undertaking is not altered Shinn Fu has offered the Commission this Variation to the Undertaking of 9 January 2001 in accordance with section 87B(2) of the Act.

**COMMENCEMENT OF VARIATION OF UNDERTAKING**

- (6) This Variation comes into effect when:
  - (i) the Variation is executed by Shinn Fu; and
  - (ii) the Commission accepts the Variation so executed.

**VARIATION TO UNDERTAKING**

**WHEREAS**

Clause 21 v) of the Undertaking provides in part:

Shinn Fu shall cause, at its own expense, an independent audit of its compliance program to be conducted:

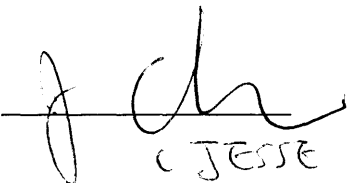
- A by 31<sup>st</sup> March 2003
- B by 30<sup>th</sup> September 2003
- C by 31<sup>st</sup> March 2004
- D by 31<sup>st</sup> March 2005
- E on any additional occasions as the auditor determines necessary.

Clause 21 y) of the Undertaking provides:

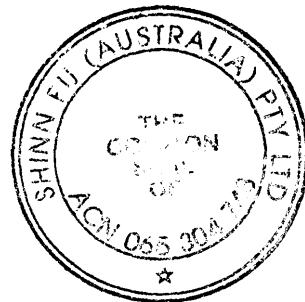
The auditor will provide a copy of the audit report to the ACCC within one week of completion of the audit, such copy to be provided by 8<sup>th</sup> April 2003, 8<sup>th</sup> October 2003, 8<sup>th</sup> April 2004, 7<sup>th</sup> April 2005 and any additional occasions as the auditor reasonably determines necessary .

**IN WITNESS TO THIS VARIATION**

The Common Seal of SHINN FU (AUSTRALIA) PTY LTD (ACN 065 304 743) was hereunto affixed in accordance with the Articles of Association in the presence of:

Director:   
(JESSE CHEW)

Director: \_\_\_\_\_



This 7<sup>th</sup> day of March 2003

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

Chairman: 

This 12<sup>th</sup> day of March 2003