



TRADE PRACTICES ACT 1974

**UNDERTAKING GIVEN TO THE AUSTRALIAN COMPETITION AND
CONSUMER COMMISSION GIVEN FOR THE PURPOSE OF
SECTION 87B
BY
VOYAGES HOTELS AND RESORTS PTY LTD
(ACN 079 925 036)**

PERSON GIVING THE UNDERTAKING

1. This undertaking is given to the Australian Competition and Consumer Commission (“the ACCC”) by Voyages Hotels and Resorts Pty Ltd ACN 079 925 036 (“Voyages”) of Level 1, 80 Williams Street, Sydney, in the State of New South Wales, under section 87B of the *Trade Practices Act* 1974 (“the Act”).

BACKGROUND

2. Voyages manages the Ayers Rock Resort and Longitude 131° and offers accommodation and tour packages in relation to each of them.
3. Yulara Pulka is an Aboriginal homeland adjacent to Yulara. Yulara Pulka is the homeland of a number of families who are Traditional Aboriginal Owners (“the Traditional Owners”).
4. Voyages promoted tours of Yulara Pulka to local and international travel agents and consultants, tour operators, tourist information centres and members of the general public between 25 June 2001 and 8 May 2002.
5. Pursuant to sections 4 and 5 of the *Aboriginal Land Act* entry to Yulara Pulka requires a written permit from the Central Land Council, on behalf of the Katiti Aboriginal Land Trust.
6. From March 1997 until 7 May 2002, Voyages had conducted extensive negotiations with the Traditional Owners of Yulara Pulka in order to obtain access to Yulara Pulka so as to conduct tours.

7. In the belief that it would be able to provide tours of Yulara Pulka, Voyages began promoting the tours of Yulara Pulka to local and international travel agents and consultants, tour operators, tourist information centres and members of the general public from 25 June 2001.
8. During the period in which Voyages promoted the Yulara Pulka tour, Voyages did not have any agreement with the Traditional Owners of the Central Land Council (on behalf of the Traditional Owners) enabling the relevant permission for voyages to conduct tours of Yulara Pulka.
9. Voyages has agreed with the ACCC on the terms of the Minutes of Orders to be sought from the Court to resolve the proceeding instituted by the ACCC in respect of the matters referred to in paragraphs 7 and 8 above.

UNDERTAKINGS

10. In consequence of the matters referred to above, Voyages gives the following undertakings to the ACCC pursuant to section 87B of the Act.
11. Voyages undertakes that it (whether by itself, its employees, agents or otherwise), in trade or commerce, in connection with the supply, or possible supply, of tours by Voyages, or in connection with the promotion of such tours, will not represent:
 - (a) that it is entitled to conduct tours in Yulara Pulka;
 - (b) that persons on a tour to Yulara Pulka promoted by Voyages as part of the Longitude 131° accommodation package or as part of tour packages from the Ayers Rock Resort will be taken into Yulara Pulka; or
 - (c) that persons on a Yulara Pulka tour are permitted to enter Yulara Pulka with the tour,

where:

- (i) there is no agreement between Voyages and the Central Land Council, the Katiti Aboriginal Land Trust or the Traditional Owners of Yulara Pulka which would entitle the Respondent to conduct tours in Yulara Pulka or which would permit persons of a Yulara Pulka tour to enter Yulara Pulka with the tour; and

- (ii) where there is no written permit or other form of permission from the Central Land Council, the Katiti Aboriginal Land Trust and from the Traditional Owners of Yulara Pulka which would entitle the Respondent to conduct tours in Yulara Pulka or which would permit persons on a Yulara Pulka tour to enter Yulara Pulka with the tour.

12. Within three months of the date of the acceptance of this undertaking by the ACCC, Voyages undertakes that it will:

- (i) implement;
- (ii) and maintain for a period of not less than two years:

a Trade Practices Compliance Program (“Compliance Program”) in respect of sections 52 and 53 of the Act in relation to advertising for its employees designed to ensure their awareness of the responsibilities and obligations in respect of these sections.

COMMENCEMENT OF UNDERTAKINGS

13. These undertakings are given in substitution of the undertakings given by Voyages to the ACCC by Freehills’ letter dated 1 August 2002 (such undertakings having been complied with by Voyages) and come into effect on the later of when:

- (i) the undertakings are executed by Voyages;
- (ii) the ACCC accepts the undertakings so executed;
- (iii) the Court makes the orders in terms, or substantially in terms of the Minutes of Orders agreed between the ACCC and Voyages;

and remain in force for a period of three years from the date on which they come into effect.


ACKNOWLEDGEMENTS

14. The ACCC acknowledges the cooperation of Voyages in addressing this matter and has agreed to accept these undertakings from Voyages under section 87B of the Act.

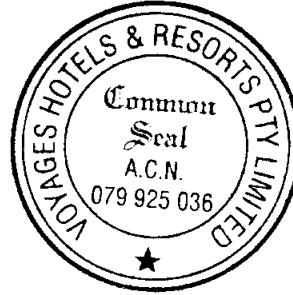
15. Voyages Hotels Resorts Pty Ltd acknowledges that:

- (a) the ACCC will make this undertaking available for public inspections
- (b) the ACCC may from time to time publicly refer to this undertaking; and
- (c) this undertaking in no way derogates from rights and remedies available to any other person arising from the conduct referred to in 11 above.

IN WITNESS of this undertaking and its agreement, Voyages Hotels and Resorts Pty Ltd, ACN 079 925 036, executes this agreement by authority of the Board of Directors in the presence of:



Director/Secretary **DAMIEN THOMAS**





Director **GRANT HUNT**

This day of 2003

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

Chairperson

This day of 2003

FAXED
24/4/03

David Farrell

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ACKNOWLEDGEMENTS

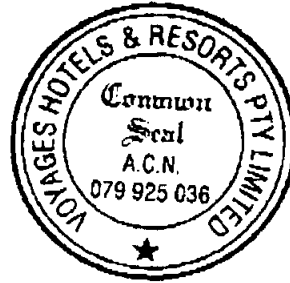
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This day of 2003

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 Chairperson

This 24 day of April 2003