



## **TRADE PRACTICES ACT**

### **UNDERTAKINGS TO THE TRADE PRACTICES COMMISSION GIVEN FOR THE PURPOSES OF SECTION 87B**

**BY**

### **THE NEW SOUTH WALES TENNIS PROFESSIONALS ASSOCIATION LIMITED**

#### **BACKGROUND**

The New South Wales Tennis Professionals Association Limited ("the Association") had until May 1994 a written Code of Ethics which its members were required to abide by.

Following a complaint from a member of the Association regarding the Code of Ethics and its enforcement by the Association, the Trade Practices Commission ("the Commission") advised the Association that it considered the Code of Ethics to be in breach of section 45 of the Trade Practices Act 1974 ("the Act"), particularly given the operation of sections 4D and 45A of the Act.

The Association has advised the Commission that it was not its intention to breach the Act, and has withdrawn the Code of Ethics from operation. The Association has cooperated with the Commission's inquiry into this matter.

#### **UNDERTAKING**

The New South Wales Tennis Professionals Association Limited undertakes for the purposes of section 87B of the Trade Practices Act 1974:

1. The Association will not counsel or procure, attempt to induce, or be in any way knowingly concerned in or party to members entering into or giving effect to any exclusionary provisions or price fixing agreements or understandings.
2. The Association will inform all of its members in writing, in a form satisfactory to the Commission, of the withdrawal of the Code of Ethics and the reason for its withdrawal and advise its members of the illegality of entering into or giving effect to any exclusionary provisions or price fixing agreements or understandings.
3. The Association will publish an article, to the Commission's satisfaction, in its internal publication in relation to this matter.

4. The Association will use its best endeavours to assist the Commission to obtain copies of the Codes of Ethics currently in use by the Tennis Professionals Association elsewhere in Australia.
5. The Association will use its best endeavours to assist the Commission to have the National Association and other State Associations alter their Codes of Ethics, or the like, to ensure that there are no similar anti-competitive rules in place.

The Association acknowledges and accepts that this undertaking will be placed on the Commission's Public Register and agrees that the Commission may otherwise publish and refer to this document at its discretion.

The Association also notes that this undertaking in no one derogates from the rights or remedies available to any other person arising from the alleged conduct.

**IN WITNESS OF THESE UNDERTAKINGS**

THE COMMON SEAL of  
THE NEW SOUTH WALES TENNIS  
PROFESSIONALS ASSOCIATION LIMITED  
was hereunto affixed by authority of the board  
Directors previously given in the presence of:



*[Signature]* President.

*[Signature]*  
DIRECTOR

This *TWELTH DAY* day of *DECEMBER*, 1994

ACCEPTED BY THE TRADE PRACTICES COMMISSION PURSUANT TO  
SECTION 87B OF THE TRADE PRACTICES ACT

*[Signature]*

(PROFESSOR ALLAN FELS)  
CHAIRMAN

This *EIGHTEENTH* day of *JANUARY*, 1994/5