



**UNDERTAKING TO THE TRADE PRACTICES
PURSUANT TO SECTION 87B OF THE TRADE PRACTICES ACT 1974
("THE ACT")**

BY

**JWM PTY LTD
(ACN 009 396 749 OF LEVEL 2, 7-9 VENTNOR AVENUE WEST PERTH IN
THE STATE OF WESTERN AUSTRALIA)**

Background

JWM Pty Ltd ("JWM") is a company which under the registered business name Lotus Retail Solutions carries on business as consultant retail project managers.

Following an investigation by the Trade Practices Commission ("TPC") JWM was informed that the TPC considered that Victoria Co (Retail) Pty Ltd had made an attempt to make a contract or arrangement or arrive at an understanding in relation to prices of T-Shirts and in particular T-Shirts with the "Red Back" logo and that that contract, arrangement or understanding would have had the purpose or the effect or was likely to have the effect of fixing, controlling or maintaining the price of T-shirts in particular T-shirts with a "Red Back" logo supplied or to be supplied by Victoria Co (Retail) Pty Ltd or Begon Pty Ltd trading as Nona Me.

The TPC has stated that it considered that JWM by the conduct of its employee Alister Norwood had aided, abetted, counselled, procured, induced or attempted to induce Victoria Co (Retail) Pty Ltd or alternatively, Begon Pty Ltd to make such contract or arrangement or arrive at such an understanding.

JWM has not by itself, its employees or agents repeated such conduct and has co-operated with the TPC inquiry into this matter.

Undertaking

JWM undertakes to the TPC for the purposes of section 87B of the Act that JWM will not hereafter, whether by itself or its employees or agents -

- (a) aid, abet, counsel or procure any person to make a contract or arrangement with or arrive at an understanding with any person carrying on business as a retail supplier of clothing in and around Perth in the State of Western Australia in respect of the price of clothing contrary to section 45 of the Act.
- (b) induce or attempt to induce, any person, whether by threats or promises or otherwise, to make a contract or arrangement with or arrive at an understanding with any person carrying on business as a retail supplier of clothing in and around Perth in the State of Western Australia in respect of the price of clothing contrary to section 45 of the Act.

JWM acknowledges and accepts that this undertaking will be placed on the TPC's public register and agrees that the TPC may otherwise publish and refer to this document at its discretion.

JWM also notes that this undertaking in no way 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)
JWM Pty Ltd)
was hereunto affixed in)
accordance with its Articles of)
Association in the)
presence of:)

[Signature]
.....
Director

[Signature]
.....
Director/Secretary

JWM
PTY. LTD.
A.C.N. 009 396 749
★
COMMON SEAL

Dated this _____ day of _____ 1993

Accepted by the Trade Practices Commission pursuant to Section 87B of the Act



[Signature]
.....
(Professor Allan Fels)
Chairman

Dated this *20* day of *June* 1993