

TRADE PRACTICES ACT 19



UNDERTAKING TO THE TRADE PRACTICES COMMISSION GIVEN PURSUANT TO SECTION 87B

by

**NSW ULTRA VIOLET PTY LTD (ACN 003 030 368)
OF 18 GARLING ROAD MARAYONG IN THE STATE
OF NEW SOUTH WALES**

Background

NSW Ultra Violet Pty Ltd ("NSW Ultra Violet") is a company which manufactures, imports, exports and distributes a wide range of electrical and electronic fittings and equipment.

Following an investigation by the Trade Practices Commission ("TPC") NSW Ultra Violet was informed that the TPC considered it had made false and misleading representations concerning the place of origin of its Insect-O-Cutor commercial insect exterminators.

The TPC has stated that it considers that NSW Ultra Violet represented by means of a written submission dated 25 June 1992 that the exterminators were produced in Australia when the exterminators were imported from New Zealand. The TPC contends that the representations were false and misleading in contravention of S53(eb) of the Trade Practices Act.

NSW Ultra Violet has ceased to represent that the exterminators are produced in Australia and has fully co-operated with the TPC inquiry into this matter.

UNDERTAKING

NSW Ultra Violet undertakes for the purposes of S87B of the Trade Practices Act:

1. to cease immediately any conduct which represents the exterminators are produced or made in Australia;
2. to take necessary steps to remove from the market place any representations that the exterminators are produced or made in Australia;
3. to advise each reseller as set out in Schedule 1 who has been supplied with exterminators that they were manufactured in New Zealand;
4. to establish a bona fide corporate compliance program within its operations, (substantially in line with the description and having the objectives as set out in Schedule 2) designed to ensure awareness of its responsibilities and obligations

under the Trade Practices Act among its directors, servants and agents: such program to be implemented within three (3) months of the date of giving this undertaking; and

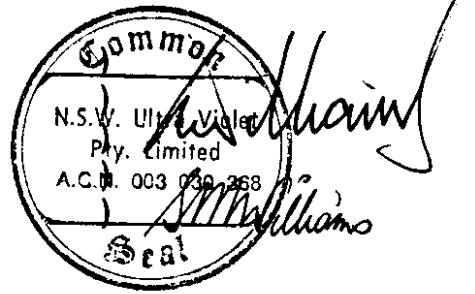
- 5. to appoint an independent person or body, agreed to by the TPC, to audit the implementation of these undertakings and to report to the TPC within six (6) months of the giving of this undertaking. (The auditor's written report to state in relation to each undertaking whether or not the undertaking has been carried out and to state (with reasons), whether or not, in the opinion of the auditor the objectives of the corporate compliance program have been met).

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

NSW Ultra Violet also notes that this undertaking in no way derogates from the rights or remedies available to any person arising from the alleged conduct.

IN WITNESS OF THESE UNDERTAKINGS:

THE COMMON SEAL OF
NSW ULTRA VIOLET PTY LTD
was hereunto affixed by
authority of the Board of Directors
previously given in the presence of



10th August
.....
This day of 1993

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

[Handwritten Signature]
.....
(Professor Allan Fels)
CHAIRMAN

This *24th* day of *August* 1993

NSW ULTRA VIOLET

NSW ULTRA VIOLET PTY LTD. ACN 008 087 868
AS TRUSTEE TO THE NSW ULTRA VIOLET TRUST

18 Garling Road, Marangong NSW 2148
Tel (02) 831 1633 Fax (02) 621 5357
PO Box 450, Blacktown NSW 2148 Australia

List of Suppliers:

John R. Turk & Son,
Cnr. Victoria & Packard Avenue,
CASTLE HILL. NSW 2154

Attention: Mr. Bob Yuile

Traversi Jones,
11 Hoyle Avenue,
CASTLE HILL. NSW 2154

Attention: Mr. Malcolm Teasdale

M.M. Electrical,
27 Douglas Street,
MILTON. QLD 4064

Attention: Mr. Wilf Gannaway

Retravisision (N.S.W.) Ltd.,
P.O. Box 171
BURWOOD. NSW 2134

Attention: Mr. Keith Penfold

M.M. Electrical,
36 Lisbon Street,
VILLAWOOD. N.S.W. 2163

Attention: Mr. Gary Pincini

Mr. J.A. Duffield,
National Product Manager,
Lighting,
A.L.H. Electrical Group,
Glenferrie Road,
HAWTHORN. VIC 3122

Combined Rural Traders Limited,
2 Allgas Street,
SLACKS CREEK. QLD 4127

Attention: Mr. Stephen Murray
Specialists in the Application of Ultra Violet Light

vey Norman Discounts,
230 Parramatta Road,
AUBURN. NSW 2144

Attention: Ms Mavis Brady

G.E.C. Electrical Wholesale,
Head Office,
Cnr. Percy & Boorea Streets,
AUBURN. NSW 2144

Attention: Mr. Neville G. Tanner

K.F.C.,
40 Yeo Street,
NEUTRAL BAY JUNCTION. NSW 2089

Attention: Mr. Paul D. Blake

Mitre 10 (S.A.) Ltd.,
1367 Main North Road,
PARA HILLS WEST. S.A. 5096

Attention: Mr. Gavin Cerri

Aldex Distributors Pty Ltd.,
Cnr. Steel & Bessemer Streets,
BLACKTOWN. N.S.W. 2148

Attention: Mr. Nick Micallef

Mr. P. Williams,
Merchandising Manager,
Pauls Home Improvement Centre Pty Ltd.,
P.O. Box 10,
WODEN. A.C.T. 2606

Mitre 10 (Qld) Ltd.,
16 Cambridge Street,
ROCKLEA. QLD 4106

Attention: Mr. Paul Craven-Taylor

David Jones Pty Ltd.,
G.P.O. Box 503,
SYDNEY. NSW 2001

Attention: Mr. F. Langthaller

Ideal Electrical Suppliers,
921 Kingsford Smith Drive,
EAGLE FARM. QLD. 4007

Attention: Mr. T. Puller

Lawrence & Hanson Electrical,
818 Glenferrier Road,
HAWTHORN. VIC 3122

Mr. Scott Bradley,
Hudson Timber & Hardware,
Cnr. Victoria Avenue &
Showground Road,
CASTLE HILL. NSW 2145

G.E.C. Electrical Wholesale,
Head Office,
13 - 19 Taunton Drive,
CHELTENHAM. VIC 3192

Attention: Mr. A. Raskin

Mayfield Electrical,
43 - 69 Sturt Street,
ADELAIDE. S.A. 5000

Attention: Mr. Brian Gunter

Rent-O-Kill,
2 Brennan Street,
ALEXANDRIA. NSW 2015

Attention: Mr. Carl Fusting

N.S.W. ULTRA-VIOLET PTY LTD

Ultra Violet Products,
1 Oval Road,
MT. TORRENS. S.A. 5244

Norm Mackay Agencies Pty Ltd.,
2 Abbotsford Street,
LEEDERVILLE. W.A. 6903

Rynat Sales,
14 Laffey Court,
WILLETTON. W.A. 6155

Mr. Alan Williamson,
Merchandise Manager,
Mitre 10 (Newcastle) Pty Limited,
10 Myra Street,
NEW LAMBTON. NSW 2305

Mr. Peter Staley,
Product Manager,
Himaco Limited,
122 Newton Road,
WETHERILL PARK. NSW 2164

Mr. Andrew Fisher,
National Product Manager,
Consumer Goods,
G.E.C. Electrical Wholesale,
Cnr. Percy & Boorea Streets,
AUBURN. NSW 2144

Ms. Sue Lovejoy,
Group Product Manager,
Burns Philp Hardware Limited,
Cnr. Church St & Victoria Road,
PARRAMATTA. NSW 2124

Mr. Colin Rowland,
Commercial Manager,
N.S.W. Farmers Association,
7th Floor,
1 Bligh Street,
SYDNEY. NSW 2000

Mr. Peter Craven,
Product Manager,
Garden & Outdoor,
Mitre 10 Southern Region,
Princes Highway,
HALLAM VIC 3803

Stravision (Qld) Limited,
P.O. Box 249,
ALBION. QLD. 4010

Attention: Ms Kathy Chadwick

Mitre 10 (Qld) Ltd.,
16 Cambridge Street,
ROCKLEA. QLD 4106

Attention: Mr. Ernie Pitcher

Ms. Annie Chambers,
Purchasing Manager,
Daimaru Australia Pty Ltd.,
211 Latrose Street,
MELBOURNE. VIC 3000

Mitre 10 (W.A.) Limited,
6 Kingscote Street,
KEWDALE. W.A. 6105

Attention: Mr. Geoff Walters

Combined County Councils

SCHEDULE

SUMMARY OF ELEMENTS TO BE INCLUDED

IN A

TRADE PRACTICES COMPLIANCE PROGRAMME

The Trade Practices Commission considers that the following matters are to be regarded as important elements in a bona fide and effective compliance programme:

TRAINING AND EDUCATION

- **Coverage**

The programme should include all relevant companies in the corporate group, and target all relevant personnel (particularly personnel involved in sales and marketing), whose participation should be compulsory.

- **Structure**

The programme should be structured, with a timetable for regular training and follow-up refresher courses.

- **Content**

The programme should contain comprehensive practical training relevant to the business and, where possible, a guide for situations which are likely to arise where the Act is likely to be breached.

- **Objectives** —

The programme should have firm goals which are stated in clear terms for management and staff.

COMPLIANCE REPORTING

- **Supervision**

Responsibility for ensuring corporate compliance with the Act should be placed on particular members of senior management.

• **Reporting**

There should be a formalised system of reporting by personnel to members of senior management responsible for corporate compliance of all matters which may involve breaches of the Act.

COMPLIANCE IMPLEMENTATION

There should be a formalised procedure which is put into effect whenever conduct is reported to the relevant senior management officer which may involve breaches of the Act. The procedure should include examination of the conduct by a suitably qualified person to determine whether the possible breach has substance, action to rectify the breach at an early date and progressive monitoring of the matter to ensure the rectification action is successfully implemented.

SANCTIONS

There should be a system of disciplining those who do not comply with the compliance programme and who engage in conduct in breach of the Act.