

TRADE PRACTICES ACT 1974**VARIATION TO UNDERTAKING GIVEN TO THE
AUSTRALIAN COMPETITION AND CONSUMER
COMMISSION FOR THE PURPOSES OF SECTION 87B****BY****SUPER CHEAP AUTO PTY LTD****(ACN 085 395 124)****BACKGROUND**

1. On 16 February 2005, the ACCC accepted an Undertaking from Super Cheap Auto in accordance with section 87B of the Act (the Undertaking).
2. The Undertaking imposes an obligation on Super Cheap Auto to ensure that any test reports from vehicle and trolley jacks supplied by Super Cheap Auto are not more than 12 months old and from an Australian NATA accredited testing agency or equivalent agency (that has a Mutual Recognition Agreement with NATA).
3. As at September 2005 no testing agency in Australia had NATA accreditation to test vehicle jacks with a nominated capacity of over 2 tonnes in accordance with Appendix C of AS/NZS 2693:1993 and AS/NZS 2693:2003.
4. To address this situation Super Cheap Auto has offered the ACCC this Variation to the Undertaking in accordance with section 87B(2).

COMMENCEMENT OF VARIATION OF UNDERTAKING

5. This Variation comes into effect when
 - i. the Variation is executed by Super Cheap Auto; and
 - ii. the ACCC accepts the Variation so executed.

VARIATION TO UNDERTAKING

6. The following clause replaces clause 20(vii) of the Undertaking:

“(vii). It will ensure that any test reports for vehicle and trolley jacks supplied by Super Cheap Auto are not more than 12 months old and

 - from a testing agency in Australia accredited by NATA to test to the particular Australian Standard; or
 - if such a NATA accredited agency does not exist in Australia, from an Australian testing agency which is equipped to perform the tests in accordance with the mandatory standard; or
 - from an overseas testing agency that carries accreditation to test to the particular Australian Standard from an appropriate body which has a mutual recognition agreement with NATA.”

ACKNOWLEDGEMENTS

- 7. Super Cheap Auto acknowledges that the ACCC will make this variation available for public inspection.
- 8. Super Cheap Auto further acknowledges that the ACCC will from time to time publicly refer to this variation.

IN WITNESS OF THIS VARIATION

The common seal of **SUPER CHEAP AUTO PTY LTD**)
ACN 085 395 124 is affixed in accordance with its)
Articles of Association in the presence of:)
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Director

.....
Director Secretary

This 24th day of November 2005

Accepted by the **AUSTRALIAN COMPETITION AND CONSUMER COMMISSION** pursuant to section 87B of the Trade Practices Act 1974

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(Graeme Julian Samuel)
Chairman

This 15 day of December 2005