

**VARIATION TO UNDERTAKING TO THE AUSTRALIAN COMPETITION AND
CONSUMER COMMISSION GIVEN FOR THE PURPOSES OF SECTION 87B**

BY

NBN Co Limited

ACN 136 533 741

Persons giving this variation

1. This variation is given to the Australian Competition and Consumer Commission (**ACCC**) by NBN Co Limited ACN 136 533 741 (**NBN Co**) of Tower 5, Level 14, 727 Collins Street, Docklands, 3008 in the State of Victoria.

Background

2. On 8 October 2019, the ACCC accepted an undertaking pursuant to section 87B of the *Competition and Consumer Act 2010* (Cth) (**CCA**) from NBN Co in connection with NBN Co's non-discrimination obligations in section 152AXD of the CCA (**Undertaking**).
3. On 3 August 2020, NBN Co implemented an organisational restructure that disbanded its BSM Department and integrated its functions, together with other departments' functions, into a larger and newly created Customer, Products and Marketing department.
4. The purpose of this variation to the Undertaking is to address the application of the Undertaking to NBN Co's new organisational structure and any future organisational restructures.
5. The ACCC is satisfied that the variation sought is appropriate in the circumstances.

Commencement of variation

6. This variation comes into effect when:
 - (a) this variation is executed by NBN Co, and
 - (b) the ACCC accepts this variation so executed.

Variation to the Undertaking

7. The Undertaking is varied as follows:
 - (a) insert new sub-clause 14.3:

"Notify the ACCC within 10 business days if any other department, division or team (howsoever described) takes on the processes, functions or responsibilities of any of the divisions or teams listed in the definition of BSM from and including 4 August 2020, in relation to the supply of Build Activities to access seekers or the supply of business grade services to access seekers."
 - (b) delete the wording in paragraphs 'BSM' and 'BSM Deals Manual' of Attachment C (the **Deletion**), and
 - (c) replace the Deletion with the following wording:

"'BSM' or 'BSM Department' means:

(a) for the period from the Commencement Date up to, and including, 2 August 2020, NBN Co's business sales and marketing department; and

(b) for the period from, and including, 3 August 2020, NBN Co's:

- (i) Government & Enterprise Solutions division;
- (ii) Small & Medium Business division;
- (iii) Commercial & Contract Management team within the Commercial division;
- (iv) CPM Strategy team within the Strategy and Marketing division; and
- (v) within the Products division the following teams:
 - A. Fibre Deployment Products team;
 - B. Enhanced and Wholesale Products team; and
 - C. Product Enablement team;

each within the Customer Products and Marketing department, and their direct managers; and

(c) any other department, division or team (howsoever described), notified by NBN Co to the ACCC pursuant to clause 14.3 of the Undertaking, that takes on the processes, functions or responsibilities of any of the divisions or teams listed in b(i) to b(v) above related to the supply of Build Activities to access seekers or the supply of business grade services to access seekers from and including 4 August 2020;

'BSM Deals Manual' means the document developed and made available by NBN Co to all access seekers specified on the List of Access Seekers, which contains the information included in item 3.1 of Attachment B (which may alternatively be referred to by such other name that NBN Co gives that document from time to time);'

Acknowledgements

8. NBN Co acknowledges that:

- (a) The ACCC will make this variation available for public inspection, and
- (b) The ACCC will from time to time, refer to this variation including in news media statements and in ACCC publications.

Executed by

NBN Co Limited ACN 136 533 741 by its authorised representatives:

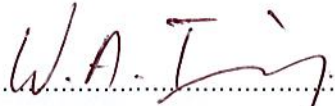

.....

Signature of authorised representative

STEPHEN RUE.....

Name of authorised representative

This ...15TH..... day of DECEMBER 2020


.....

Signature of authorised representative

WILLIAM IRVING.....

Name of authorised representative

This ...15TH..... day of DECEMBER 2020

Accepted by the Australian Competition and Consumer Commission pursuant to s87B of the
Competition and Consumer Act 2010



.....
Rodney Graham Sims

Chair

This...17th day of ..December..2020