

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

BY

Dodo Services Pty Ltd ACN 158 289 331

1) Background

- a) On 22 March 2018 the Australian Competition and Consumer Commission (ACCC) accepted an Undertaking given by Dodo Services Pty Ltd (Dodo) of Level 10, 452 Flinders Street, Melbourne 3000 in the State of Victoria, pursuant to section 87B of the Competition and Consumer Act 2010 (the Undertaking).
- b) The purpose of this Variation to the Undertaking is to:
 - i. extend the date by which Dodo must contact current and former Affected Consumers;
 - ii. amend the content of a corrective notice;
 - iii. amend the deadline for Dodo to contact future Affected Consumers; and
 - iv. extend the date by which Dodo is to provide a report to the ACCC.
- c) The ACCC is satisfied that the Variation sought is appropriate in the circumstances.

2) Commencement of this Variation to the Undertaking

- a) This Variation comes into effect when:
 - a. the Variation is executed by Dodo, and
 - b. the ACCC accepts the Variation so executed.

3) Variation to the Undertaking

The Undertaking is varied as follows:

- a) delete the following wording in each of sub-paragraphs (1)(a)(i), (1)(b)(i), (2)(a)(i) and (2)(b)(i) of Attachment A of the Undertaking:

“27 April 2018”

and replace with the following wording:

“18 May 2018”.

- b) in paragraph 4, after the words:

"If the Maximum Attainable Speed is below the advertised maximum speed of the consumer's Speed Plan, within the first four weeks of data being available to Dodo for each consumer's Maximum Attainable Speed"

add the following words:

"or by 18 May 2018, whichever is later"

- c) in sub-paragraph (6)(a) of Attachment A of the Undertaking, before the words:

"Did you purchase a Dodo NBN plan between 1 October 2015 and [commencement date]?",

add the following wording as a separate line of bolded text:

"Notice of delay – Dodo will be contacting affected consumers by 18 May 2018."

- d) delete the following wording in sub-paragraph (6)(a) of Attachment A of the Undertaking:

"Dodo will be contacting affected consumers by 27 April 2018"

and replace with the words:

"Dodo has been delayed and will be contacting affected consumers by 18 May 2018".

- e) in sub-paragraph (6)(a) of Attachment A of the Undertaking, after the words:

"including a refund, moving to a lower speed plan or exiting their contract."

add the following words:

"Dodo had previously stated that it would contact affected consumers by 27 April 2018."

- f) delete the following wording in paragraph (9) of Attachment A of the Undertaking:

"29 May 2018 and 1 June 2018"

and replace with the words:

"19 June 2018 and 22 June 2018".

- g) delete the following wording in Attachment C of the Undertaking:

"27 April 2018"

and replace with the words:

"18 May 2018".


4) Acknowledgements

a) Dodo acknowledges that:

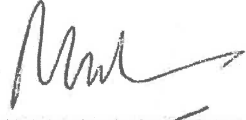
- i. the ACCC will make this Variation available for public inspection, and
- ii. the ACCC will from time to time, refer to this Variation including in news media statements and in ACCC publications.

Executed by

Dodo Services Pty Ltd (ACN 158 289 331) pursuant to section 127(1) of the *Corporations Act 2001*



~~Secretary~~/Director



~~Director~~ Secretary

This ^{26th} day of April 2018

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



Rodney Graham Sims

Chairman

This ^{26th} day of April 2018