

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

**BY**

**Telstra Corporation Limited ACN 051 775 556**

**1) Background**

- a) On 7 November 2017 the Australian Competition and Consumer Commission (ACCC) accepted an Undertaking given by Telstra Corporation Limited (Telstra Corp) of Level 41, 242 Exhibition Street, Melbourne, 3000, pursuant to section 87B of the *Competition and Consumer Act 2010* (the Act) (the Undertaking).
- b) The purpose of this variation of the Undertaking is to amend Telstra's obligation to display a corrective notice to affected consumers, extend the period for Telstra to contact affected consumers, and correct inadvertent errors in the Undertaking.
- 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:
  - i) The Variation is executed by the Chairman, and
  - ii) The ACCC accepts the Variation so executed.

**3) Variation to the Undertaking**

The Undertaking is varied as follows:

- a) delete the following wording in paragraph 7 of Attachment A of the Undertaking:  
"and accessible to Affected Consumers"  
and replace with the words:  
"and accessible to all Affected Consumers for whom Telstra Corp has a record of their IP address".
- b) delete the following wording in paragraph 8 of Attachment A of the Undertaking:  
"and accessible to Affected Consumers"  
and replace with the words:  
"and accessible to all Affected Consumers for whom Telstra Corp has a record of their IP address".
- c) delete the following wording in sub-paragraph 11(c) of Attachment A of the Undertaking:  
"former Affected Consumers"  
and replace with the words:  
"previously remediated Affected Consumers".

d) delete the following wording in paragraph 2 of Attachment B of the Undertaking:

“their Maximum Attainable Speed”

and replace with the words:

“the maximum speed of their Speed Plan”.

e) in each of the following sub-paragraphs of Attachment A of the Undertaking:

i) 2(a)(i);

ii) 2(b)(i);

iii) 2(c)(i);

iv) 2(d)(i);

v) 3(a)(i);

vi) 3(b)(i); and

vii) 4(c)(i):

delete the following wording:

“within 20 business days of the commencement date”

and replace with the words:

“on or before 8 December 2017”.

f) delete the following wording in sub-paragraph 8(a) of Attachment A of the Undertaking:

“[Telstra to insert: commencement date and 20 business days after commencement date]”

and replace with the words:

“7 November 2017 and 8 December 2017”.

g) delete the following wording in Attachment I of the Undertaking:

“within [relevant period to be inserted by Telstra, being the period starting on the commencement date and ending 20 business days after the commencement date]”

and replace with the words:

“by 8 December 2017”.

#### **4) Acknowledgements**

a) Telstra Corp acknowledges that:

iii) The ACCC will make this Variation available for public inspection; and

iv) The ACCC will from time to time, refer to this variation including in news media statements and in ACCC publications.

Executed by

Telstra Corporation Limited (ACN 051 775 556) pursuant to section 127(1) of the  
*Corporations Act 2001*



.....  
~~Secretary/Director~~



.....  
Director

This <sup>5<sup>th</sup></sup>.....day of December 2017

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



.....  
Rodney Graham Sims

Chairman

This <sup>5<sup>th</sup></sup>.....day of December 2017