

Variation to an Undertaking to the Director of Consumer Affairs Victoria

**Given under section 218(2) of the AUSTRALIAN CONSUMER LAW
(VICTORIA)**

The commitments in this Variation are offered to the Director of Consumer Affairs
Victoria by:

CTM Australia Pty Ltd

(ACN 111 284 176)

and

XI LIAN KAING

TABLE OF CONTENTS

Contents

1. PARTIES GIVING THIS VARIATION 3
2. BACKGROUND 3
3. COMMENCEMENT OF THIS VARIATION 3
4. VARIATION - COMPLIANCE PROGRAM 3
4. VARIATION - COMPLIANCE OFFICER 4
5. EXECUTION 5

1. The Parties giving this Variation

- 1.1 This Variation is given to the Director of Consumer Affairs Victoria (“the Director”) by CTM Australia Pty Ltd, ACN 111 284 176 (“CTM Australia”) and Xi Lian Kaing

2. Background

- 2.1 On 15 November 2016, the Director of Consumer Affairs Victoria accepted an Undertaking pursuant to section 218 of the Australian Consumer Law (Victoria) from CTM Australia and Xi Lian Kaing (“the Undertaking”).
- 2.2 On or about 12 September 2017, CTM Australia requested to vary paragraph 2 of Annexure D of the Undertaking to allow for the appointment of a senior manager as a Compliance Officer.

3. Commencement of this Variation

- 3.1 This Variation commences on the eighth day after the date the Director of Consumer Affairs Victoria signs the Variation.

4. Variation- Compliance Program

- 4.1 This Undertaking is varied by removing paragraphs 41(i) ,(j) and (k), at page 13 of the Undertaking and replacing with a new paragraph 41(i),(j) and (k):

“(i) within 30 days of the commencement date of this Variation to the Undertaking, implement a Compliance Program in accordance with Annexure “D” attached, designed to ensure that, in or for the purposes of trade or commerce, CTM will not supply, offer for supply or possess or have control of products, including products of a kind or class listed in Annexure “B” attached, that contravene any:

- (a) safety standards declared under Division 1 of Part 3-3 of the ACL (Vic);*
- (b) interim or permanent ban orders imposed under Division 2 of Part 3-3 of the ACL (Vic); or*
- (c) information standard made under Part 3-4 of the ACL (Vic)–*

which are, in effect, as at the commencement date of this Undertaking, and for which there continues to exist a safety standard or interim or permanent ban order under the ACL (Vic); and

- (j) within 45 days of the commencement of this Variation to the Undertaking she will notify the Director in writing that in accordance with this Undertaking and Variation to the Undertaking, the Compliance Program has been implemented; and*
- (k) within the time periods and consistent with the requirements expressed specifically in the Compliance Program they will notify the Director in writing.”*

5. Variation- Compliance Officer

5.1 The Undertaking is varied by removing paragraph 2 (“Compliance Officer”) at page 21 of Annexure D of the Undertaking and replacing with a new paragraph 2:

“2. CTM Australia must, within one month of the commencement date of the Variation to the Undertaking, appoint a director or a senior manager of CTM Australia, as its Compliance Officer, with responsibility for ensuring that the requirements concerning risk assessment and training, and product safety compliance procedures set out in the documents are implemented and maintained.”

EXECUTION

Signed by: Xi Lian Kaing

on

13-01-18~~2017~~

Xi Lian Kaing, Company Director

In the presence of Weicong Yuan

Witness

(PRINT NAME) Weicong Yuan

Signed by: [Signature]

on 13/01/2018~~2017~~

Accepted by the Director of Consumer Affairs Victoria pursuant to section 218 of the ACL.

[Signature]

Simon Cohen, Director Consumer Affairs Victoria

on 23 JANUARY~~2018~~