



**ENFORCEABLE UNDERTAKING UNDER
THE AUSTRALIAN CONSUMER LAW (WA)**

BETWEEN

E'CO AUSTRALIA PTY LTD ACN 071 756 039

AND

MARK BRIAN KEAY

AND

COMMISSIONER FOR CONSUMER PROTECTION

For the purpose of section 218 of the *Australian Consumer Law (WA)*, **E'CO AUSTRALIA PTY LTD** ('the Company') and **MARK BRIAN KEAY** ('Mr Keay'), **UNDERTAKE** to the **COMMISSIONER FOR CONSUMER PROTECTION** as follows:

1. That within **twenty-eight (28)** days of acceptance of this signed undertaking by the Commissioner, the Company will cause every collection bin controlled by the Company or Mr Keay situated within Western Australia to exhibit a notice (the Notice) which states:

**THIS IS A COMMERCIAL ENTERPRISE. ANY OR ALL
~~DONATIONS MADE TO THIS COLLECTOR MAY BE SOLD FOR~~
PROFIT. IT IS NOT A CHARITY.**

**THIS IS A MESSAGE REQUIRED BY THE COMMISSIONER FOR
CONSUMER PROTECTION UNDER THE AUSTRALIAN
CONSUMER LAW (WA)**

2. That the Notice shall be exhibited:
 - A. On the front (or 'face') of the collection bin, or on the collection chute not less than 10 cm from the base where the chute joins with the front or face of the collection bin
 - B. In lettering which is Arial font no less than 50 point or 12mm in size

- C. In lettering which is red with a white background
 - D. By any permanent means, other than adhesive tape
3. That the words 'not for profit' be removed from any collection bin within **twenty-eight (28)** days of acceptance of this undertaking.
 4. That any defacing by vandalism or otherwise of the Notice hereby required shall be rectified by the affixing of a new notice within **fourteen (14)** days of it being brought to the attention of the Company
 5. That any collection bins which are introduced into Western Australia after the date of this undertaking being accepted by the Company or Mr Keay shall include the Notice.
 6. For the purposes of this undertaking, 'collection bin' includes any receptacle by which the Company or Mr Keay invites donations from the public from which a profit is intended to be derived for the benefit of an entity (or entities) which is not a charity.
 7. It is understood and acknowledged that these undertakings are enforceable under section 218 of the *Australian Consumer Law (WA)*, and are made pursuant thereto.

Signed for and on behalf of:

A. **E'CO AUSTRALIA PTY LTD**)
 ACN 071 756 039
 In accordance with section 127 of the
Corporations Act 2001 (Cth)

MARK BRIAN KEAY)
 In his capacity as Director 1

 Signature of Director 1 (& Secretary)

BRIAN CHARLES KEAY)
 In his capacity as Director 2

 Signature of Director 2

B. **MARK BRIAN KEAY**)
 In his own right

 Signature

C. **COMMISSIONER FOR CONSUMER PROTECTION)**

 Signature

13/10/11