



Major Sporting Events (Indicia and Images) Protection Act 2014 Security Under Section 25(3) - Deed of Undertaking

For the event _____

THE DEED IS MADE

On the _____ day of _____ 20 _____

BY _____
(Company)

Of _____ hereinafter referred to as the Undertaking Giver.
(Address)

Recital

- A. The Undertaking Giver is the Authorising Body, or other Event Body, or Authorised Person for Indicia and Images for the above mentioned event.
- B. The Undertaking Giver has given to the Comptroller-General of Customs a written Notice, under s23 of the *Major Sporting Events (Indicia and Images) Protection Act 2014* (the Act), objecting to the importation of goods that are infringing goods in relation to this major sporting event.
- C. Pursuant to s25(3) of the Act, the Comptroller-General of Customs may decide not to seize goods unless the Objector has given a written Undertaking to repay the Commonwealth the expenses that may be incurred by the Commonwealth for seizing the goods.

The Deed witnesses

1. Where, after the date of the execution of this Deed, the Comptroller-General of Customs seizes goods pursuant to s25(1) of the Act, the Undertaking Giver undertakes upon demand to pay to the Commonwealth the expenses of seizing the goods.
2. The expenses of seizing the goods are the expenses that may be incurred by the Commonwealth if the goods were seized.
3. Any demand made under this Deed upon the Undertaking Giver shall be deemed to have been duly made if it is in writing and signed by the Comptroller-General of Customs, or a delegate, and sent by prepaid post as a letter to the Undertaking Giver, or their nominated legal representatives, or left by hand, at the address set forth in this Deed or at the address last notified to the Department of Home Affairs under clause 5 of this Deed. Any such demand sent by prepaid post shall be deemed to have been received by the Undertaking Giver, at the time when such demand could in the ordinary course of post have been delivered.
4. An amount not paid under this Deed is a debt due by the Undertaking Giver to the Commonwealth and may be recovered by an action taken in a court of competent jurisdiction pursuant to s38 of the Act.
5. If there is an alteration to the name or address of the Undertaking Giver or their nominated legal representative, or the Undertaking Giver ceases to carry on business then the Undertaking Giver shall give to the Department of Home Affairs written Notice of the fact within seven working days after the date on which the alteration or cessation takes place.
6. If the Undertaking Giver is a body corporate and there is an alteration to the ownership or control of the Undertaking Giver, then the Undertaking Giver shall give to the Department of Home Affairs written Notice of the fact within seven working days after the date on which the alteration takes place.
7. A reference in this Deed to a provision of the Act shall be read as a reference to that provision as in force from time to time.

Executed as a Deed

[Note: Where Undertaking Giver is a natural person]

Signed, sealed and delivered by:

Signature:

Name of Undertaking Giver

In the presence of:

Signature:

Name of witness

OR**Executed as a Deed**

[Note: Where executed for a proprietary company that has a sole Director where that Director is also the sole Company Secretary]

Signed, sealed and delivered by:

Signature:

Name of sole Director / Company Secretary

Signature:

Name of witness

OR**Executed as a Deed**

[Note: Where executed by 2 Directors of a company, or a Director and a Company Secretary]

Signed, sealed and delivered by:

Signature:

Name of Director

Signature:

Name of witness

Name of Director / Company Secretary

Signature:

Name of witness

OR**Executed as a Deed**

[Note: Where executed by a proprietary company with a common seal or where executed by a proprietary company with a common seal that has a sole Director who is the Company Secretary]

Signed, sealed and delivered by:

Company Seal

Witnessed By:

Signature:

Name of Director or sole Director / Company Secretary

Signature:

Name of Director / Secretary (not required where executed by sole Director who is the Company Secretary)

Note: Please check advice on the correct form of execution on a case by case basis.

B1274 (Design date 07/18)