



FluoroCycle  
**Signatory Commitment**  
**Commercial User**

**(Insert name of business/organisation)**

**To:** The FluoroCycle Scheme  
and to all FluoroCycle Entities<sup>1</sup>  
C/- The FluoroCycle Administrator  
PO BOX 7077, Yarralumla, ACT, 2600

The undersigned entity agrees and acknowledges that:

1. it will adhere to the FluoroCycle Guidelines (as explained by the Signatory Manual), the Signatory Guide to FluoroCycle Branding and any policies, processes and procedures issued under the FluoroCycle Scheme from time to time, as they apply to Commercial Users (collectively called the FluoroCycle Requirements);
2. it will make all necessary alterations to its policies, processes and procedures and provide any induction and training of staff necessary to ensure adherence to this commitment and the FluoroCycle Requirements, as they apply to Commercial Users;
3. any failure by it to fully and promptly adhere to this commitment and the FluoroCycle requirements may lead to disciplinary action as stated in FluoroCycle Requirements (including revocation of the Signatory from the scheme);
4. it<sup>2</sup> will indemnify and keep indemnified<sup>3</sup>, individually and collectively, all of the FluoroCycle Entities from and against all liability, demands, loss, costs, expenses, actions, complaints, suits, proceedings, claims, counter-claims, contributions, setoff and demands incurred or sustained by:
  - a. any of its agents, contractors, employees or invitees; or
  - b. any FluoroCycle Entity,

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<sup>1</sup> "**FluoroCycle Entities**" includes the Commonwealth represented by the Department of Sustainability, Environment, Water, Population and Communities, the Environment Protection and Heritage Council, the Environment Protection and Heritage Standing Committee, the National Environment Protection Council Service Corporation, the FluoroCycle Administrative Committee, the FluoroCycle Administrator, the FluoroCycle Stakeholder Advisory Group and any other administrative bodies or persons involved in the administration or oversight of the FluoroCycle Scheme (including any members or successor entities of any of the above entities at any time and from time to time).

<sup>2</sup> Except where the Signatory to this commitment is a FluoroCycle Entity or the Commonwealth or a State or Territory (whether or not represented by a Department, administrative body or person.)

<sup>3</sup> Except where predominately caused by the fraud or gross negligence of a FluoroCycle Entity in which case the indemnity shall remain in full force and effect in favour of the further remaining FluoroCycle Entities.



## FluoroCycle

as a result of any failure by it to adhere to this commitment or the FluoroCycle Requirements;

5. it<sup>4</sup> will release, discharge and forever hold harmless<sup>5</sup> all of the FluoroCycle Entities from and against any liability, demands, loss, costs, expenses, actions, complaints, suits, proceedings, claims, counter-claims, contributions, setoff and demands which it has now, or may have had against any of the FluoroCycle Entities, but for this commitment, as a result of any failure by it to adhere to this commitment or the FluoroCycle Requirements;
6. it has undertaken such investigations, enquiries and due diligence that it thought necessary to satisfy itself of the implications of becoming a Signatory to the FluoroCycle Scheme, to provide these commitments and concerning the overall design and structure of the Scheme;
7. it has and will maintain adequate and suitable occupational health and safety policies and practices that comply with all relevant legislation, standards and guidelines that apply to the safe handling, collection and transport of mercury-containing lamps, as appropriate for its business.

Signed as a deed for and on behalf of [*insert full name of legal entity, example: ABC Limited ACN Number*] by

Signed: .....

Name: .....

Title: .....

Date:

Who certifies that he/she/they are duly authorised to execute this commitment on behalf of the Signatory

in the presence of:

Witness Signature: .....

Name: .....

Title: .....

Date: .....

<sup>4</sup> Except where the Signatory to this commitment is a FluoroCycle Entity or the Commonwealth or a State or Territory (whether or not represented by a Department, administrative body or person.)

<sup>5</sup> Except where predominately caused by the fraud or gross negligence of a FluoroCycle Entity in which case the release and discharge shall remain in full force and effect in favour of the other remaining FluoroCycle Entities.