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Form G
Commonwealth of Australia
Trade Practices Act 1974 - Subsection 93(1)
Exclusive Dealing: Notification

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93(1) of the *Trade Practices Act 1974* of particulars of conduct or of proposed conduct of a kind referred to in subsection 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or 9(a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

1. (a) **Name of person giving notice**

Mattnick Pty Limited trading as Scolari Software (**Scolari**) (ACN 086 988 847; ABN 46 086 988 847)

(b) **Short description of business carried on by that person**

Software development

(c) **Address in Australia for service of documents on that person**

c/- Peter Scolari, Director

Level 1, 187 Brisbane Street, Dubbo, NSW 2830

2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates**

Administrative assistance/organisational compliance software programs and public liability insurance

(b) **Description of the conduct or proposed conduct**

See Attachment A

3. (a) **Class or classes of persons to which the conduct relates**

NFPOs purchasing public liability insurance

(b) **Number of those persons:**

(i) **At present time**

As the offer will be made to the market at large, potentially more than 50

(ii) **Estimated within the next year**

As the offer will be made to the market at large, potentially more than 50

(c) **Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses**

N/A

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Mr Phil Turner

Manager

Community Care Underwriting Agency

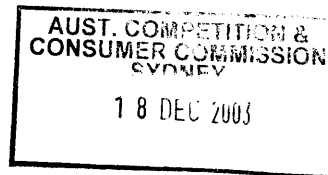
Level 7, 82 Pitt Street, Sydney NSW 2000

Tel: 02 8227 8239

Fax: 02 8227 8234

Email: phil.turner@community-care.com.au

Date: 18th December 2003



Signed by/on behalf of the person giving this notice

A handwritten signature in black ink, appearing to read "Phil Turner".

(Signature)

Phil Turner

(Full Name)

**Manager, Community Care
Underwriting Agency**

(Description)

ATTACHMENT A

DESCRIPTION OF PROPOSED CONDUCT FOR EXCLUSIVE DEALING NOTIFICATION

Background

This notification relates to an agreement between Scolari and Community Care Underwriting Agency (**CCUA**) for the provision of administrative assistance/organisational compliance software programs at a discounted price by Scolari for the public liability insurance customers of CCUA. This notification deals with the manner in which Scolari and CCUA propose to promote the organisational compliance product.

CCUA is a joint venture between Allianz Australia Insurance Ltd, QBE Insurance (Australia) Ltd and Insurance Australia Group Ltd (formerly NRMA Insurance Ltd). This joint venture was formed to provide public liability insurance for small to medium not-for-profit organisations (**NFPOs**) in NSW, SA, WA, NT & Tasmania.

Proposed conduct

Scolari and CCUA wish to help NFPOs in the day to day running of their organisations. To this end they propose to recommend to the public liability insurance customers of CCUA the use of a software program known as CLUBSINC. The CLUBSINC program provides information and tools for running cultural, community, industry and sporting organisations efficiently and effectively, helping them comply with their internal constitutions and relevant legislation. CLUBSINC manages communication with members and contacts; provides committee roles and responsibilities; creates rosters and registers for assets, insurances and policies; stores documents; and generates compliance checklists and frequently asked questions. It is designed to be tailored to an individual organisation's constitution and is considered to be an ideal handover tool for association executives.

Scolari and CCUA propose to encourage the use of this program by offering the public liability insurance customers of CCUA a significantly discounted purchase price for CLUBSINC. Ordinarily, CLUBSINC would be sold for approximately \$600, but it is proposed to offer it to CCUA insureds for approximately \$275. This will apply on condition that the purchaser has public liability insurance with CCUA. CCUA's customers will also be required to pay a nominal annual service fee.

Public benefit considerations

The proposed conduct is not anti-competitive, nor is there any discernible public detriment arising from this arrangement. On the contrary, considerable public benefit is likely to arise from the proposed conduct.

The following points are relevant:

- cultural, community, industry and sporting organisations are often run by volunteers with little or no managerial background. CLUBSINC will help these organisations meet their compliance obligations;
- the NFPOs may choose not to acquire CLUBSINC from Scolari. This fact is made clear in the marketing literature;

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- improved management skills may lead to fewer insurance claims, leading to a further lowering of insurance premiums for NFPOs;
 - the discount arrangement may stimulate competition in the market for the provision of administrative assistance/organisational compliance software programs to NFPOs; and
 - the package does not lead to any loss of transparency in the pricing of the components as those components are available independently.