



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/477
Contact Officer: Danielle Staltari
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23 April 2008

<Name>
<Address>

Dear <Salutation>

**Job Futures' applications for authorisation A91084 & A91085
- request for interim authorisation**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in relation to certain elements of the applications for authorisation lodged by Job Futures Ltd (Job Futures) on 25 March 2006.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

Interim authorisation can not extend to any conduct engaged in by Job Futures and its members with respect to collective tendering for employment contracts prior to this decision. Therefore this interim authorisation does not apply to the making of, or giving effect to, any contract, arrangement or understanding which occurred prior to the date of this interim authorisation.

Authorised Conduct

The ACCC has decided to **grant interim authorisation** to allow Job Futures to:

1. prepare tender proposals with members of Job Futures (members) under which Job Futures will subcontract work to members and lodge such tenders on behalf of members. Proposals may include agreements as to the price that will be tendered and the price paid for services provided by members to Job Futures, and agreements as to the territories in which members and Job Futures will tender to deliver services, with respect to the upcoming tender expected to be released in the second half of 2008, by the Department of Education, Employment and Workplace Relations for employment service contracts, including:

- Employment Services Contract (Job Network)
- Employment Services Funding Deed (Personal Support Program, Job Placement Education and Training, Disability Employment Network (uncapped), Green Corps)
- Remote Services Deed and
- Australian Apprenticeship Access Program.

(Collectively referred to as the “Employment Contracts”)

2. allow a member to participate in the preparation of a tender proposal in relation to an Employment Contract on condition that the member agrees not to tender directly on its own behalf for that Employment Contract.

In granting interim authorisation, the ACCC noted that the majority of the preparatory work for the request for tender is expected to take place between May and August 2008 and that some of this work involves collective conduct by Job Futures and its members.

Conduct not authorised

The ACCC has made a decision **not to grant interim authorisation to Job Futures:**

- to terminate a subcontract with a member in relation to an existing Employment Contract where that member has proposed or intends to tender directly on its own behalf for a future Employment Contract.

Next steps

The next step in the process is for the ACCC to release a draft determination, which is expected to be issued in May/June 2008. The draft determination will take account of any submissions from Job Futures and interested parties and will indicate the ACCC’s preliminary views on the merits of the application. The ACCC will provide both Job Futures and interested parties with the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

The ACCC may review its decision on interim authorisation at any time. In this regard the ACCC will reconsider this decision at the time of issuing its draft determination.

The ACCC’s decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Danielle Staltari on 02 6243 1362.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Hatfield', written in a cursive style.

David Hatfield
Acting General Manager
Adjudication Branch

**List of interested parties who received letter on interim authorisation
dated 23 April 2008**

Salvation Army Employment Plus
Mission Australia
Sarina Russo Job Access (Australia)
Work Directions Australia
IPA Personnel Pty Ltd
IPC Employment Pty Ltd
Professional Vocational Services Pty Ltd
AMES
Centacare Australia Ltd
MAXnetwork Pty Ltd
Summit Personnel c/- Griffith Skills Training Centre
ORS Employment Solutions
Break Thru Employment Solutions
Global Skills
Jobs Statewide Incorporated
Job Centre Australia Limited
atWork Australia Pty Ltd
Communicare Inc
Jobs Australia
Mercy Employment
Your Employment Solutions
Campbell Page Employment Services
Wise Employment Ltd
Direct Recruitment
Interact Employment Services
SYC Job Prospects
Holmesglen Employment
Impact People
CADET Training and Employment
Department of Education, Employment and Workplace Relations
National Employment Services Association
Australian Local Government Association
Australian Council of Social Service
Wesley Mission
Anglicare
Recruitment and Consulting Services Association
Australian Consumers Association
National Disability Services Limited
Australian Human Resources Institute
Australian Institute of Training and Development
Council of Small Business Organisations of Australia
Australian Chamber of Commerce and Industry
Consumer Action Law Centre Victoria
Public Interest Advocacy Centre
Office of Industrial Relations
Department of Education, Training and the Arts
Department of Further Education Employment Science and Technology
Industrial Relations Victoria
Department of Justice
Department of Employment, Education and Training
Office of Industrial Relations
Pep Community Services

Community First Inc
Queensland Department of Employment and Industrial Relations
Employment Focus
Westgate Community Initiatives Group Inc
JobCo. Employment Services Inc
Tangentyere Job Shop
Education Centre Gippsland
Bridging the Gap
First Choice Employment
Kott Gunning Lawyers
Access Community Group
Auswide Projects
Counselling and Retraining for Employment
ET Australia
Great Lakes Community Resources Association
Hunter Workways
Inner West Skills Centre
Job Quest
MTC Work Solutions
Newtrain
NorthNet Inc
Upper Hunter Community Services
WorkVentures Ltd
YMCA NSW
Brotherhood of St Laurence
Diversitat
Djerriwarrh Employment & Education Services
ENET
Finding Futures
Melbourne Citymission
New Hope Foundation Inc
Outer East Employment Services
WorkForce Plus
Youth Projects Inc
Community Employment Options Inc
Horizon Foundation Inc
IMPACT Make your Mark
IsaSkills
JobCare
Job Futures - SEQ
Namtec
BJL Connecting Communities
Community First Inc
Co Scope Job Link Inc
Kullarri Employment Services
PEEDAC Pty Ltd
Pep Community Services
Geraldton Regional Community Education Centre Association Inc
Anglicare Tasmania Inc
Job Futures Tasmania
Anangu Jobs
Ironbark (NT) Employment and Training Inc
Julalikari Council Aboriginal Corpinfo@julalikari.com.au
Larrakia Nation Aboriginal Corporation

Thamarrurr Community Government Council
Anglicare SA Inc