



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: A91063  
Contact Officer: Jessica Buik  
Contact Phone: 02 6243 1061

10 February 2009

Dear Sir/Madam

**Application for minor variation lodged by Information Technology Contract and  
Recruitment Association (ITCRA)  
Authorisation A91063 - interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application to vary authorisation A91063 previously granted to Information Technology Contract and Recruitment Association (ITCRA). The ACCC may authorise businesses to engage in conduct which may breach the competition provisions of the *Trade Practices Act 1974* where it is satisfied that the public benefit outweighs any public detriment. The ACCC would like to invite you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

Authorisation A91063 was originally granted by the ACCC on 27 February 2008. The authorisation was granted to clauses 4.4, 5.8, 7.1, 7.2, Schedule A and Schedule B of ITCRA's code of conduct until 30 June 2010.

**Proposed minor variation to A91063**

The minor variation sought by ITCRA involves the alteration by ITCRA of its Code of Conduct in relation to the provisions relating to "Contractor Transitioning" found in clauses 7.1 and 7.2 and Schedule A. In particular, it is proposed that only subclauses 7.1, 7.1.1 and 7.1.2 of the Code of Conduct would remain with slight amendments. It is proposed to delete subclauses 7.1.3 and 7.1.4, clauses 7.2, 7.3 and Schedule A.

The clauses which are proposed to be removed relate to negotiations between competitors where the outgoing supplier and client do not agree on the terms of cessation of the contract, or an agreement between the suppliers to transfer the client. Schedule A sets out a formal transitioning process.

For further information on ITCRA's application for minor variation, please see the attached submission.

## Request for submissions

The ACCC invites you to make a submission on:

- the likely public benefits and the likely effect on competition, or any other public detriment, from the proposed variation and
- any other relevant matter, including whether the proposed variation is minor.

If you intend to provide a submission, please do so by **3 March 2009**.

Alternatively, if you would like to provide comments orally, please contact Jessica Buik on 02 6243 1061 to organise a suitable time.

Submissions, including a written record of any oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

## Timetable

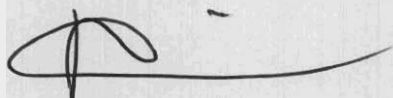
The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

<b>29 January 2009</b>	Lodgement of application and supporting submission.
<b>10 February 2009</b>	Public consultation process begins.
<b>3 March 2009</b>	Closing date for submissions from interested parties.
<b>March 2009</b>	Applicant responds to issues raised in the public consultation process.
<b>April 2009</b>	ACCC Determination.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding this application for minor variation.

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 Jessica Buik on 02 6243 1061.

Yours sincerely



Dr Richard Chadwick  
General Manager  
Adjudication Branch

**List of interested parties consulted on 10 February 2009**

ACT Procurement Solutions  
Australian Chamber of Commerce and Industry  
Australian Council of Trade Unions  
Department of Education, Employment and Workplace Relations  
Department of Finance and Deregulation  
Business Council of Australia  
Council of Small Business of Australia  
Independent Contractors of Australia  
NSW Department of Commerce  
NT Government Department of Business and Employment  
Queensland Government Information Technology Conditions  
Recruitment and Consulting Services Association  
Small Business IT Professionals Association  
State Procurement Board  
Department of Treasury and Finance  
Victorian Department of Treasury and Finance  
Office of Government Procurement  
Western Australia Government Department of Treasury and Finance