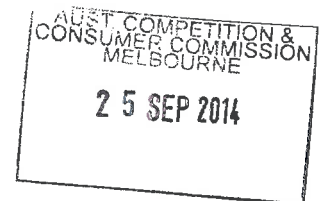


22 September 2014

The General Manager
Adjudication Branch
Australian Competition and Consumer
Commission
GPO Box 520
Melbourne VIC 3001

FILE No:
DOC:
MARS/PRISM:

By post and email: adjudication@accc.gov.au



Dear General Manager

Australian Human Resources Institute - Exclusive dealing notification

AHRI is a national association representing human resource and people management professionals. We provide education and training services in human resources, people management and business skills, produce conferences, and hold seminars and networking opportunities. We also conduct research into people management practices, and assist government in the development of policy and legislation that affects people at work.

One of AHRI's goals is to increase the number of small businesses engaging in better human resources practices.

We wish to partner with organisations which have connections with small businesses to whom we can provide tools for better human resources outcomes. In particular, our Workforce HQ service supports small businesses that have no access to internal human resources, with tailored guidance on the recruitment, support and management of the people they employ. Through a low-cost subscription, small business owners are provided with resources and guided on all aspects of small business staff management.

We do not consider that our proposal to offer a discount on the Workforce HQ subscription to existing AGGA members amounts to third line forcing, but AHRI is always concerned to strive toward best practice in corporate governance and compliance. The enclosed notification is lodged in this light.

Accordingly, please find enclosed:

- a) Form G Notification of Exclusive Dealing by AHRI (Notification) under subsection 93(1) of the Competition and Consumer Act 2010 (Cth) (Act); and
- b) Cheque for \$100 made payable to the Commission, being the lodgement fee in respect of the above form.

If you require any further information at this stage, please contact Ms Marianna Panopoulos (CFO and Company Secretary) on (03) 9918 9235 or myself on (03) 9918 9263.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lyn Goodear', with a large, stylized initial 'L'.

Lyn Goodear
Chief Executive Officer

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — subsection 93 (1)
NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Competition and Consumer Act 2010*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

1. Applicant

(a) Name of person giving notice:

N97845 Australian Human Resources Institute Limited
ABN 44 120 687 149 (AHRI).

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

AHRI is a national association representing human resources and people management professionals. AHRI provides education and training services in human resources, people management and business skills, produces conferences, and holds seminars and networking opportunities.

AHRI also conducts research into people management practices, and assists governments in the development of policy and legislation that affects people at work.

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

Marianna Panopoulos
CFO and Company Secretary
Australian Human Resources Institute
Level 13, 565 Bourke Street
Melbourne VIC 3000

2. Notified arrangement

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

Workforce HQ subscription: Developed by AHRI, Workforce HQ supports small businesses that have no access to internal human resources, with tailored guidance on the recruitment, support and management of the people they employ. Through a low-cost subscription, small business owners are guided on all aspects of small business staff management, including by access to template documents and step by step guides.

(b) Description of the conduct or proposed conduct:

AHRI proposes to enter an arrangement with the Australian Glass and Glazing Association ABN 22 152 329 355 (**AGGA**), under which AHRI would offer AGGA members a discount on its Workforce HQ Subscription.

In particular, the Workforce HQ annual subscription fee, which is normally \$499, would be offered to AGGA members for \$420 (**AGGA Offer**) for a 12 month subscription period.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

(a) Class or classes of persons to which the conduct relates:

The Australian Glass & Glazing Association (AGGA) is a peak body which brings together over 650 manufacturers, importers, processors, installers, glaziers and suppliers to the building and window industry.

(b) Number of those persons:

(i) At present time:

AGGA members exceed 650 who may access the discount. There remain many hundreds of thousands of other small business operators in Australia who can still access Workforce HQ directly from AHRI, which AHRI would submit are not adversely affected by the discount offered to AGGA members.

(ii) Estimated within the next year:

AGGA membership numbers are expected to remain the same within the next year.

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

Not applicable.

4. Public benefit claims

(a) Arguments in support of notification:

The notified conduct provides benefits to customers and consumers because the conduct:

- (a) makes the Workforce HQ services more affordable for small businesses, allowing them to direct those savings to their customers including consumers;
- (b) motivates competitors to offer similar benefits and discounts and therefore increases competition; and
- (c) provides a significant number of small businesses with access to tools which promote better employment practices, benefitting individuals and the business community generally.

The effect of any third line forcing will be insignificant for the following reasons:

- (a) the AGGA Offer will be available to all AGGA members and will provide these businesses with a benefit if they choose to take advantage of the AGGA Offer;
- (b) the general small business community that are not AGGA members will continue to have access to Workforce HQ's subscription service and will not be precluded from subscribing to Workforce HQ by reason of the AGGA Offer;
- (c) AHRI is free to offer similar discounts and offers through different channels;
- (d) AHRI experiences strong competition from a range of service providers to small business and as a result there is unlikely to be any detriment to the small business market or consumers as a result of the AGGA Offer.

For the reasons above, there is no significant detriment to the public as a result of the proposed conduct. Any possible detriment is substantially outweighed by the public benefits outlined above.

(b) Facts and evidence relied upon in support of these claims:

There is strong competition in the Australian market from numerous service providers that provide a range of human resources and workplace relations services to assist small businesses, including those in competition with the resources and services provided by AHRI. AHRI would submit the resources and services available from each of these service providers are not adversely affected by the discount offered to AGGA members, nor is there any adverse effect on access to Workforce HQ for non-AGGA members.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

The relevant market is the market for human resources services and resources for small businesses in Australia. There is strong competition in the Australian market from numerous service providers that provide a range of human resources and workplace relations services to assist small businesses, including those in competition with the resources and services provided by AHRI. AHRI is not aware of any restrictions (including geographical or legal restrictions) on the supply or acquisition of the relevant goods or services.

6. Public detriments

- (a) **Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:**

AHRI is unaware of any detriment to the public that is likely to result from the notified conduct.

The notified conduct enables AGGA members to receive a discount on services from AHRI. The price and availability of AHRI's Workforce HQ subscription for customers that are not eligible for the AGGA Offer is not increased as a consequence or otherwise adversely affected.

The notified conduct does not involve the forced purchase of a second product. Customers are not compelled to participate in the AGGA Offer. Customers remain free to acquire services from AGGA without having to acquire services from AHRI and, similarly, remain free to acquire services from AHRI without having to obtain services from AGGA. Further, by participating in the AGGA Offer and obtaining a Workforce HQ subscription, customers are not required or compelled to acquire services from AGGA.

(b) Facts and evidence relevant to these detriments:

Not applicable.

7. Further information

(a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Marianna Panopoulos
CFO and Company Secretary
Australian Human Resources Institute
Level 13, 565 Bourke Street
Melbourne VIC 3000

Dated.....22/9/2014.....

Signed by/on behalf of the applicant

.....
(Signature)

Lyn Goodear
Chief Executive Officer
Australian Human Resources Institute

