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**Australian
Competition &
Consumer
Commission**

20 April 2015

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

Dear Sir/Madam

tel: (02) 6243 1111
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Job Futures Limited application for revocation of authorisations A91084 & A91085 and substitution of new authorisations A91493 & A91494 – interested party consultation

www.accc.gov.au

The Australian Competition and Consumer Commission (the ACCC) is currently consulting on an application for re-authorisation (application for revocation and substitution) received from Job Futures Limited (Job Futures) on 9 April 2015.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. Please see the ACCC's [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Application for 're-authorisation'

The application for re-authorisation relates to arrangements between Job Futures and its members to co-operatively tender, including to agree the price tendered, the price paid to members and the territories tendered, not to tender against each other for the same or similar services, and about the length of time to which a member must commit to subcontracting. Authorisation is sought for 10 years.

The proposed provisions relating to co-operative tendering are substantially unchanged from the current authorised provisions.

The proposed 'non-compete' provisions contain some changes from the current authorised provisions. In particular, the requirement restricting Job Futures' ability to tender for contracts where its members have historically provided services in their own right is replaced with a requirement for Job Futures to consult with its members before making a decision. Also, the commitment requirements for subcontracted members are reduced to delivering one contract term (usually five years) and the ability of Job Futures to allocate up to 30 per cent of the member's subcontracted services to another member upon notice being given that the member intends to withdraw from tendering arrangements is removed.

A copy of the application is available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

Background

The ACCC previously granted authorisation to Job Futures to tender on behalf of its members for government contracts to provide employment services on condition that members will not tender for the same or similar program while delivering that program or similar program under sub contract to Job Futures.

Authorisation was also sought for Job Futures not to tender for new contracts against a member organisation where they have historically provided that program in that

location; and to develop co-operative tendering arrangements which 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.

The ACCC granted authorisation until 30 June 2015.

Interim authorisation

As the current authorisation expires on 30 June 2015, Job Futures Limited has also requested interim authorisation from 1 June 2015 to enable it to issue subcontracts covered by the amended authorisation.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including:

- harm to the applicant and other parties if interim is or is not granted
- possible benefit and detriment to the public
- the urgency of the matter and
- whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Further, the ACCC invites you to outline your general experience of the non-compete arrangements and the collective tendering arrangements during the term of the previous authorisation. The ACCC would also welcome your views on the public benefits and detriments you consider have actually resulted from the arrangements during the previous authorisation period.

If you intend to provide a submission in relation to Job Futures' application for re-authorisation and request for interim authorisation please do so by **cob 4 May 2015**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91493 & A91494 – Job Futures Limited – submission".

Alternatively, if you would like to provide comments orally, please contact John Rouw on 03 9290 1402 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

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

Indicative date	Stage in assessment process
9 April 2015	Lodgement of application and supporting submission, including request for interim authorisation.
20 April 2015	Public consultation process begins.
4 May 2015	Closing date for submissions on interim authorisation and substantive authorisation.
18 May 2015	Applicant responds to issues raised in the public consultation process.
May 2015	ACCC decision regarding interim authorisation
June/July 2015	ACCC draft determination.
July/August 2015	Public consultation on draft determination including any conference if called.
September/ October 2015	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

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

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 John Rouw on 03 9290 1402 or by email to adjudication@acc.gov.au.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch

Job Futures Limited – A91493 & A91494 – Initial Consultation

Interested Parties Consulted

Department of Employment
Department of Social Services
Department of Environment (for Green Army)
Queensland Government (for Mentoring Program)
Victorian Government (for CSEPP)
National Employment Services Association
Jobs Australia
Disability Employment Australia
Access Community Group Ltd
Australian Community Support Organisation Inc (ASCO)
Advance Personnel
Apprentices Plus
BJL Connecting Communities
Bridging The Gap Inc
BUSY At Work
CHESS Employment and Support Services
Community Solutions Group
Diversitat
Employment Directions
Employment Options Inc
Employment and Training Australia Inc (ET Australia Inc)
Hanover Welfare Services
IMPACT Community Services
Inner West Skills Centre Inc
Interact Australia
IntoWork Australia
Ironbark Aboriginal Corporation
Kimberley Employment Services
Marillac Limited
MS Australia – ACT/NSW/VIC
MTC Australia
National Centre of Indigenous Excellence

Open Minds Australia Limited
Settlement Services International
WCIG Inc
Worklink Employment Support Group Inc
Workways Australia
Youth Projects Ltd
YWCA NSW
Department of Education, Training and the Arts (Queensland)
Community First International
JobCo. Employment Services
Tangentyere Job Shop
IsaSkills
Pep Community Services
Larrakia Nation Aboriginal Corporation
MAX Employment
The Salvation Army Employment Plus
Sarina Russo Job Access
Advanced Personnel Management (APM)
Job Prospects
Workskil Australia
MatchWorks
Sureway Employment and Training Pty Ltd
Tursa Employment & Training
PVS Workfind
Jobfind Centre
The ORS Group
Campbell Page
Break Thru People Solutions
Ostara Australia
atWork Australia Pty Ltd
WISE Employment
Epic Employment Service Inc
Working Communities Network
Community Bridging Services
Mission Australia