

PUBLIC REGISTER VERSION

Restriction of Publication of Part Claimed (see Attachments A, C, D, E)

Form GA

Commonwealth of Australia

Competition and Consumer Act 2010 — section 93AB

NOTIFICATION OF COLLECTIVE BARGAINING

This form is to be completed by applicants proposing to engage in collective bargaining arrangements.

In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

Protection provided by the notification extends only to the collective bargaining arrangements described in the form.

To the Australian Competition and Consumer Commission:

Notice is hereby given under section 93AB of the *Competition and Consumer Act 2010* of intention:

- to make, or to propose to make, a contract containing a provision of the kind referred to in subsection 44ZZRD (2) or paragraph 44ZZRD (3) (a) or (b) of that Act.
- to give effect to a provision of a contract where the provision is of the kind referred to in subsection 44ZZRD (2) or paragraph 44ZZRD (3) (a) or (b) of that Act.
- to make, or to propose to make, a contract containing a provision of the kind referred to in paragraph 45 (2) (a) of that Act.
- to give effect to a provision of a contract where the provision is of the kind referred to in paragraph 45 (2) (b) of that Act.
(Strike out if not applicable)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

Section A – general information

1. Applicant

CB00328-CB00432

- (a) Name of the applicant:
(refer to Direction 1)

Council of Australian University Directors of Information Technology Incorporated (CAUDIT) on behalf of itself and its members conducting business in Australia.

- (b) Description of business carried on by the applicant:
(refer to Direction 2)

CAUDIT is an association incorporated under the Associations Incorporation Act (NSW). CAUDIT's role includes the promotion and advancement of the use and support of computing information technology in University teaching, research and administration. A key part of that role is assisting members with their IT procurement through negotiating offers that IT vendors will make available to CAUDIT members.

- (c) Is the representative of the applicant lodging the notice a trade union, an officer of a trade union or a person acting on the direction of a trade union?
(refer to Direction 3)

No.

- (d) Address in Australia for service of documents on the applicant:

*Steve Johnston
Director Strategic Procurement
CAUDIT
PO Box 9432
DEAKIN ACT 2600*

2. Lodged on behalf of

- (a) Provide names and addresses of all persons on whose behalf the notification is lodged and who propose to participate in the collective bargaining arrangements:
(refer to Direction 4)

Notification is lodged on behalf of CAUDIT and its members conducting business in Australia. A list of members is at Attachment A.

See Attachment A.

- (b) Provide proof of the consent of each of the persons listed at 2 (a) above agreeing to the lodgement of the notification on their behalf:
(refer to Direction 5)

See Attachment B for the draft minutes of meeting and consents from members that did not attend the meeting.

Please note that the minutes of meeting are in draft pending adoption at the next meeting in September 2016. However, they are an accurate representation of the resolution passed at the meeting.

- (c) Provide the following information relating to a notification:
- (i) Does this notification relate to a notification previously lodged with the Australian Competition and Consumer Commission and for which a concessional fee is claimed?

No. However, this form relates to multiple targets, and the applicant submits that each is related.

- (ii) details of the first-mentioned notification, including but not limited to:
- (A) the name of the applicant; and
- (B) the date the notification was said to be lodged; and
- (C) if known or applicable — the registration number allocated to that collective bargaining notification.

N/A, but see above.

Section B – collective bargaining arrangements

3. Proposed collective bargaining arrangements

- (a) Provide: the name and address of the target; the name, position and telephone contact details of an appropriate contact at the target; and a description of the business carried on by the target:
- (refer to direction 6)*

See Attachment C.

Please note that some of the targets are listed in Attachment C as a result of CAUDIT's contract with the software provider. In particular:

- CAUDIT has negotiated an offer from Microsoft to CAUDIT members, which expires 28 February 2018. However, Microsoft does not distribute its own products. As a result, a number of providers are listed in Attachment C as distributors of Microsoft software. These distributors offer Microsoft products at a rate that reflects the software price negotiated as between CAUDIT and Microsoft and a distribution amount negotiated separately as between each distributor and CAUDIT. These providers are noted in Attachment C as being part of the "Microsoft Panel".*
- CAUDIT has negotiated a similar arrangement with VMware, which expires 28 February 2017. These providers are noted in Attachment C as being part of the "VMware Panel".*

- *CAUDIT has also negotiated a contract for Research Data Services, a federally funded research project for buying software and hardware for storage. The contract expires 31 December 2016. A number of vendors provide services related to that and are noted in Attachment C as being part of the “RDSI Panel”.*
- (b) Provide a description of the goods or services which the participants of the collective bargaining arrangements (listed at 2 (a) above) propose to supply to or acquire from the target:

The goods and/or services which CAUDIT’s members propose to acquire from each of the targets are set out in Attachment C.

Generally, the targets sell (whether producing and selling or distributing in Australia) computing information technology products and services.
- (c) Do the participants of the proposed collective bargaining arrangements (see 2 (a) above) reasonably expect to make one or more contracts with the target about the supply to or acquisition from the target of one or more of the goods or services (listed at 3 (b) above)?
(refer to direction 7)

Yes, CAUDIT’s members expect to make one or more contracts with a target about the acquisition from the target of the products described in response to question 3(b).
- (d) In relation to (c) above, provide details of the basis upon which that expectation is held including details of past contracts with the target:

CAUDIT’s members, including Australian universities, will have a continued need to access computing information technology products and services for the purposes of conducting their activities, including teaching, research and administration in relation to members which are universities and administration and research activities in relation to members which are government bodies (such as the CSIRO).

Each of the targets listed in Attachment C currently has a contract for the provisions of computing information technology or services to one or more CAUDIT members pursuant to an offer negotiated by CAUDIT, or is in active negotiations with CAUDIT in relation to the potential provision of goods or services to CAUDIT members.

Please see Attachment C for details.
- (e) Do the participants of the collective bargaining arrangements (listed at 2 (a) above) reasonably expect that contractual payments between the target and each participant

will not exceed \$3 million (or any other amount prescribed by regulation) in any 12-month period, and on what basis?

(refer to direction 8)

Yes, the members of CAUDIT reasonably expect that contractual payments between each target and each participant will not exceed \$3 million (or any other prescribed amount) in any 12-month period. There are no current, and have been no historic, relationships between a target and a CAUDIT member for which yearly contractual payments between those parties exceed \$3 million, including for the largest IT providers (e.g. Microsoft). The highest level of contractual payments between a target and a CAUDIT member in a 12-month period is currently approximately \$1.5 million. CAUDIT does not anticipate that this would change materially.

Therefore, based on the existing and previous contracts between members and targets, CAUDIT reasonably expects that contractual payments between any target and a member will not exceed \$3 million in any 12-month period.

- (f) In relation to (e) above provide an estimation of the contractual payments expected between the target and each participant in relation to the goods and services (listed at 2 (a) above):

Given CAUDIT's structure and its relationship with its members (whereby CAUDIT negotiates an offer that will be available to members and members will independently determine whether to accept the offer and/or may negotiate or finalise their own agreement with the target), CAUDIT is not privy to the details of the commercial arrangements and contractual payments between its members and the relevant target(s). However, CAUDIT has confirmed that no individual member has or is likely to have a contract with a target that involves a contractual payment substantially exceeding \$1.5 million.

- (g) Provide a description of the collective bargaining arrangements proposed including, but not limited to:
- (i) the process by which participants propose to undertake collective bargaining with the target; and
 - (ii) the type of terms and conditions expected to be negotiated in collective bargaining arrangements (for example: price; non-price conditions of supply such as contract periods etc); and
 - (iii) details of any dispute resolution procedure (if any) proposed between participants throughout the collective bargaining process; and
 - (iv) details of any dispute resolution procedure (if any) proposed between participants and the target throughout the collective bargaining process; and

- (v) details of any dispute resolution procedure (if any) proposed to deal with disputes throughout the term of contracts entered into with the target; and
- (vi) details of proposed commencement and duration of contracts to be negotiated with the target:
(refer to direction 9)

CAUDIT will negotiate directly on behalf of its members with each of the targets listed in Attachment C.

CAUDIT will negotiate with each target in question with a view to coming to a set of terms and conditions which will be available to any of its members who decide they wish to accept the offer. The negotiation will cover terms and conditions, which may include the products and/or services to be provided, the term for which the products/services will be provided, technical capabilities and performance, jurisdiction and limitations on liability. CAUDIT will also negotiate, in some instances, the final price that will be offered. In other instances, members will negotiate the final price to be paid with the target directly. Even where CAUDIT negotiates terms (including price) to be offered, members and the IT vendors will routinely negotiate alternative terms and contract on that basis, rather than relying solely on the terms offered through CAUDIT.

A dispute resolution procedure between participants during the negotiation process is not required as members are not required to accept offers negotiated by CAUDIT. Disputes between CAUDIT's members as a group and a target will be managed by CAUDIT, however typically such disputes do not arise given that CAUDIT negotiates a package of terms and conditions to be offered to its members. Members are free to negotiate individually with a target at any time.

Disputes between an individual member and a target throughout the term of the contract will be managed by those parties and generally without the involvement of CAUDIT, although at times the parties in dispute might approach CAUDIT for clarification of the intent of terms negotiated by CAUDIT.

Please see Attachment C for details of proposed commencement and duration of contracts to be negotiated with each of the targets.

Enclosed in Attachment D are the current written offers and/or contracts that CAUDIT has negotiated for its members with certain IT vendors listed in Attachment C. These contracts are commercially sensitive to the IT vendors, CAUDIT members and CAUDIT. Disclosure of these contracts would unreasonably and adversely affect the IT vendors, CAUDIT members and CAUDIT in respect of their lawful business, commercial and financial affairs. Therefore, confidentiality is claimed with respect to all the enclosures in Attachment D.

- (h) Identify any parts of the proposed collective arrangements described in 3 (g) which relate to possible price agreements:

In most cases, CAUDIT will negotiate a price at which a target is willing to offer its goods and/or services. However, that may not be the price that a member ultimately pays, given that generally members will negotiate the final price with the target directly.

In some cases, CAUDIT will negotiate a final price that will be available to its members, who may choose to accept the offer or not.

- (i) Identify any parts of the proposed collective arrangements described in 3 (g) which relate to a possible or proposed exclusionary provision(s), including but not limited to:
- (i) the nature of the proposed or possible exclusionary provision(s) (for example an agreement to withhold supply of the relevant goods or services to the target); and
 - (ii) the circumstances in which the collective bargaining participants would engage in the exclusionary provision(s), including but not limited to:
 - (A) details of the events that would trigger any such activity; and
 - (B) details of the process that would be followed in undertaking any such activity; and
 - (C) details of any proposed period of notice to be given to the target prior to the commencement of such activity; and
 - (D) details of any dispute resolution procedure to be applied or offered to the target prior to the commencement of such activity:
- (refer to direction 10)*

The proposed arrangements do not include any possible exclusionary provision. All offers negotiated by CAUDIT on behalf of its members are not binding and members and targets remain free at all times not to deal with CAUDIT or to negotiate directly.

Section C – public detriments

4. Market definition

Provide a description of the market(s) in which the goods or services described at 3 (b) 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):

(refer to direction 11)

See Attachment E.

5. Public detriments

- (a) What will be the likely effect of the notified conduct on the prices of the goods or services described at 3 (b) above and the prices of goods or services in other

affected markets? In answering this question please provide facts and information to support the claims made:

See Attachment E.

- (b) What other detriments may result from the notified conduct? In answering this question please provide facts and information to support the claims made:

See Attachment E.

Section D – public benefits

6. Public benefit claims

- (a) Provide details of the public benefits resulting or likely to result from the proposed arrangement. In answering this question please provide facts and information to support the claims made:

See Attachment E.

Section E - authority

7. Contact details

- (a) Name, contact telephone number and address of person authorised by the notifying parties to provide additional information in relation to this application:

Name: Steve Johnston, Director of Strategic Procurement, CAUDIT

Contact telephone number: 0419 909 677

Mailing address: PO Box 9432, DEAKIN, ACT 2600

Dated: 29 August 2016

Signed by/on behalf of the applicant

.....
(Signature) 

Anne Kealley
(Full Name)

CAUDIT
(Organisation)

CEO
(Position in Organisation)

DIRECTIONS

1. Where the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the application and the application is to be signed by a person authorised by the corporation to do so.
2. Describe that part of the applicant's business relating to the subject matter of the contract, arrangement or understanding in respect of which notification is given.
3. A collective bargaining notification can not be lodged by a trade union or a trade union representative.
4. Where the applicant will be a participant in the collective bargaining arrangements (rather than a representative of participants) the name of the applicant must also be included. Where those persons are corporations, list the corporation's name and address.
5. The applicant, in lodging a notification on behalf of others, must obtain their consent to do so and provide proof of that consent.
6. Where the target is a corporation, provide the corporate name.
7. The collective bargaining notification process is only available to parties that reasonably expect to make one or more contracts with the target about the supply or acquisition of goods or services the subject of the notification.
8. The value of the contract to be collectively negotiated between the target and each participant is not to exceed \$3 million (or such other amount as is prescribed by the regulations) per participant in any 12-month period.
9. To the extent that the collective bargaining arrangements have been reduced to writing, provide a true copy of the arrangement. To the extent that the collective bargaining arrangements have not been reduced to writing, provide a full and correct description of the key terms that have not been reduced to writing.
10. In simple terms an exclusionary provision exists where the proposed contract, arrangement or understanding is made by businesses (at least two of whom are competitors) for the purpose of preventing, restricting or limiting the supply of services to particular persons or classes of persons by all or any of the parties to the contract, arrangement or understanding.

In the context of collective bargaining, an exclusionary provision(s) may include contracts, arrangements or understandings (whether currently in existence or to be made or arrived at during the term of the notification) between collective bargaining participants to limit or restrict their dealings with the target including contracts arrangements or understandings to:

- (a) withhold the supply of goods or services from the target; or
- (b) refuse or decline to acquire the goods or services of the target;

whether such conduct was absolute, limited or subject to certain terms or conditions. This is sometimes referred to as a collective boycott.

11. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
12. The notification must be signed by a person authorised by the applicant to do so.

Attachment A – CAUDIT members

Region	Member	Addresses	Contact
ACT	Defence Science and Technology Group		Mr Peter Lambert Chief Research Services
ACT	The Australian National University		Ms Karen Hill Director, ITS
ACT	University of Canberra		Mr David Fornica CIO and Director
ACT	UNSW Canberra – Australian Defence Force Academy		Mr Newton Braga Head of Information & Communication Technology
NSW	Australian Catholic University		Mr Niranjana Prabhu Director of Information Technology
NSW	Charles Sturt University		Mr Tim Mannes Executive Director
NSW	Macquarie University		Dr Mary Davies Chief Information Officer
NSW	Southern Cross University		Mr Colin Webster Director, Technology Services & CIO
NSW	University of New England		Mr Rob Irving Director
NSW	University of Newcastle		Mr Sanjay Kalra Chief Information Officer
NSW	University of Sydney		Mr Mike Day Chief Information Officer
NSW	University of Technology		Dr Christine Burns Chief Information Officer
NSW	University of Wollongong		Ms Fiona Rankin Director
NSW	UNSW Australia		Mr Conrad Mackenzie Chief Digital Officer
NSW	Western Sydney University		Mr Kerry Holling Chief Information & Digital Officer
NT	Charles Darwin University		Mr Pat Gould Director
QLD	Australian Institute of Marine Science		Mr James Smith Manager, IT Services
QLD	Bond University		Mr Rajan Davio Director, Information Technology Services
QLD	Central Queensland University		Mr Peter Edwards Chief Information Officer
QLD	Griffith University		Mr Bruce Callow Chief Technology Officer
QLD	James Cook University		Mr Jonathan Churchill Director, IT & R
QLD	Queensland University of Technology		Mr Chris Bridge Director Information Technology Services
QLD	University of Queensland		Mr Rob Moffatt AM Director
QLD	University of Southern Queensland		Mr Scott Sorley Executive Director

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Region	Member	Addresses	Contact
QLD	University of the Sunshine Coast		Mr Barry <u>Mahoney</u> Acting Director
SA	Flinders University		Ms Nicole <u>Fishers</u> Acting Director
SA	The University of Adelaide		Mr Mark <u>Gregory</u> Chief Information Officer
SA	University of South Australia		Mr Paul <u>Sherlock</u> Chief Information Officer
TAS	University of Tasmania		Mr Jeff <u>Murray</u> Chief Information Officer
VIC	Deakin University		Mr William <u>Confalonieri</u> Chief Digital Officer
VIC	Federation University Australia		Mr Andrew <u>Tully</u> Executive Director
VIC	La Trobe University		Mr Peter <u>Nikolaitatos</u> Executive Director and Chief Information Officer
VIC	Monash University		Mr Trevor <u>Woods</u> Chief Information Officer
VIC	Open Universities Australia		Mr Rob <u>Pickering</u> Head of IT
VIC	Royal Melbourne Institute of Technology		Mr Paul <u>Oppenheimer</u> Executive Director
VIC	Swinburne University of Technology		Mr Lachlan <u>Cameron</u> CIO and Director
VIC	The University of Melbourne		Mr Byron <u>Collins</u> Executive Director
VIC	Victoria University		Mr Zoran <u>Sugarevski</u> Director IT Operations
WA	Curtin University		Mr Chris <u>Rasmussen</u> Chief Information Officer
WA	Edith Cowan University		Ms Elizabeth <u>Wilson</u> Chief Executive Officer
WA	Murdoch University		Mr Michael <u>Grant</u> Director, ITS
WA	University of Notre Dame		Mr Graham <u>Foster</u> Director, ICT
WA	University of Western Australia		Mr Assine George Chief Information Officer

Attachment B – Proof of consents

Extracts of minutes of meeting dated 5 November 2016 and consents of members that did not attend the meeting.

Consent provided separately:

- Australian Defence Force Academy
- Bond University
- Defence Science and Technology Group
- Swinburne University of Technology
- University of Newcastle
- University of the Sunshine Coast

Attachment C – IT Vendors

Please note: Due to the high turn-over in staff within IT vendor organisations, these details are likely to get out-of-date in the short to medium term.
Please feel free to contact CAUDIT for updated information as required.

Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
AARNet					IT services	Telecommunications (Data Networking)	
Acer					IT services	Desktop/Laptop Computer Hardware	
Actifio					IT services	Data Management Software	
Adobe					IT services	Computer Software	
Aliva					IT services	Computer Support and Services	
AMX					IT services	Audio Visual Technology	
Appian					IT services	Computer Software	
Apple					IT services	Computer Hardware and Software	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
AppSense					IT services	Computer Software	
Arista					IT services	Networking Hardware and Software	
ASI Solutions					IT services	Storage Hardware, Software and Services	
AusCERT					IT services	Cybersecurity Services	
Australian Access Federation					IT services	Identity Management Services	
AWS					IT services	Cloud Computing Services	
Axios					IT services	IT Service Management	
BMC Software					IT services	IT Service Management	
Brocade					IT services	Storage and Networking Hardware	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
CDM					IT services	Communications and Electrical Cabling and Services	
Certero					IT services		
Cisco					IT services	Computer Hardware and Software	
Citrix					IT services	Computer Software and Services	
Cognizant					IT services	IT Consulting	
Corel					IT services	Computer Software	
Crowdicity					IT services	Computer Software	
Cyclone					IT services	Computer Software and Hardware	
Data #3					IT services	Computer Software and Hardware	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
Datacom					IT services	IT Consulting Services	
DataCritical					IT services	Data Centre Infrastructure Supply and Service	
DataDirect Networks					IT services	Computer Hardware	
Dell					IT services	Computer Hardware	
Dimension Data					IT services	Computer Hardware, Software and IT Consulting	
DocuSign					IT services	Digital Transaction Management Services	
Dropbox					IT services	Cloud Storage	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
EMC Australia					IT services	Computer Hardware, Software and Services	
Envisian					IT services	IT Consulting Services	
eReserve					IT services	Copyright Management System	
Fortinet					IT services	Network Security Software and Services	
FrameGroup					IT services	Storage Hardware, Software and Services	
Frontline					IT services	Storage Hardware, Software and Services	
Fujitsu					IT services	Computer Hardware, Software and Services	
Gartner					IT services	IT Consulting Services	
Gen-I					IT services	Computer Software and Services	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
Google					IT services	Cloud Services	
Hewlett Packard Enterprise					IT services	Computer Hardware, Software and Services	
Hitachi Data Systems					IT services	Computer Hardware, Software and Services	
Huawei					IT services	Computer Hardware, Software and Services	
Hyperscale					IT services	Computer Hardware	
IBM					IT Services	Storage Hardware, Software and Services	
Insight					IT services	Computer Hardware, Software and Services	
Intersect					IT services	IT Consulting Services, Cloud Services	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
iQ3					IT services	Computer Hardware, Software and Services	
Juniper					IT services	Network Equipment	
Lenovo					IT services	Computer Hardware and Software	
Logicalis					IT services	Computer Hardware, Software and Services	
Microsoft					IT services	Computer Software, Hardware and Services	
Microsoft Services					IT services	IT Consulting Services	
Mimecast					IT services	Cloud e-mail management	
NetApp					IT services	Storage Hardware, Software and Services	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
NewLease					IT services	Computer Software	
Nexenta					IT services	Storage Software and Services	
Nexon					IT services	Unified Communications	
Nimble Storage					IT services	Storage Hardware, Software and Services	
Noveix					IT services	Computer Hardware, Software and Services	
O2 Networks					IT services	Network and Security Services	
Optus Business / Alphawest					IT services	Computer Hardware, Software and Services	
Oracle					IT services	Computer Hardware, Software and Services	
Outpost24					IT services	Cybersecurity Services	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
Ovum					IT services	IT Consulting	
Parallels					IT services	Computer Virtualisation Software	
PernixData					IT services	Computer Hardware, Software and Services	
Pexip					IT services	Unified Communications	
Qirx					IT services	Computer Software and Services	
RecordPoint					IT services	Record Management Software and Services	
Redhat					IT services	Computer Software and Services	
REMASYS					IT services	IT Performance Management Software and Services	
Safewell WITHDRAWN					IT Services	Storage Hardware	
Salesforce.com					IT services	Cloud Services	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
Samsung					IT services	Computer Hardware, Software and Services	
SAP					IT services	Computer Software and Services	
Secunia					IT services	Cybersecurity Software and Services	
Sentient Portfolio Programme Management					IT services	Project and Portfolio Management Software and Services	
ServiceQuality					IT services	IT Service Management Software and Services	
ServiceNow					IT services	IT Service Management Software and Services	
SGI					IT services	Computer Hardware, Software and Services	
SIMS Recycling Solutions					Electronic and computer recycling services	Recycling Services	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
SoftwareONE					IT services	Computer Hardware, Software and Services	
Splunk					IT services	Analysis Software	
Squiz					IT services	Web Hosting Software	
Staples					IT services	Computer Supplies, Hardware and Software	
SurveyMonkey					IT services	Cloud Survey Software and Services	
Symantec					IT services	Cybersecurity Software and Services	
Tableau					IT services	Analysis Software	
Telstra					IT services	Telecommunications and IT Consulting Services	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
Tenable Network Security					IT services	Cybersecurity Services	
Trend Micro					IT services	Cybersecurity Services	
Unomia					IT services	University Software Services	
UXC					IT services	Computer Software, Hardware and Services	
Vantage					IT services	Unified Communications and AV Products	
Viiiew					IT services	IT Consulting Services	
Virtual Consulting Professionals					IT services	Computer Hardware, Software and Services	
VMware					IT services	Computer Hardware, Software and Services	
Xenon					IT services	Computer Hardware, Software and Services	
ViFX					IT services	Computer Hardware, Software and Services	

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Company	Address	Name	Position	Phone	Business	Products/Services acquired or proposed to be acquired	Relationships with CAUDIT members through CAUDIT
XO Stor					IT Services	Storage Hardware, Software and Services	

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Confidential Attachment D – Current contracts as negotiated by CAUDIT

*Due to their size, these documents have been provided separately. **Restriction from publication of contracts is sought.***

Attachment E – Supporting information

Market definition

CAUDIT considers that the markets affected by the arrangements are the markets in which computing information technology products and services are provided to the higher education and research and development sectors.

Given the nature of the products supplied by the targets, CAUDIT considers that is appropriately characterised as a broad market for computing information technology products and services, the geographic scope of which is most likely global, or at its narrowest national.

There are approximately 600 IT vendors in Australia, including several very large global players. While the targets listed include Cisco, Microsoft, Oracle and Amazon Web Services, there are a number of software providers that supply services in Australia and are not listed in Attachment C.

[REDACTED]

Potential acquirers include a vast array of customers. These span government bodies, all large, medium and small businesses, and individual end-users. CAUDIT's members are a very small proportion of those potential acquirers. All of the listed vendors are companies that sell to a wide range of customers, not limited to CAUDIT's members, nor to the education sector generally.

There are no restrictions on the supply or acquisition of the relevant goods or services. Computing information technology products and services typically have no limitations on the number of licences that can be issued and no physical restraints on production. The potential volume of supply and acquisition is infinite and unrestrained by geographic or legal limitations. CAUDIT's members also remain free to negotiate with the targets outside of the CAUDIT arrangements.

No public or other detriments arise

The notified conduct is unlikely to have any effect on prices of the relevant goods or services or goods or services supplied in any other markets.

CAUDIT considers that its members are likely to access more beneficial terms, including price, as a result of CAUDIT's activities. CAUDIT also considers that its

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members are likely to receive transactional efficiencies in terms of reduced costs in negotiating procurement contracts through the activities of CAUDIT.

CAUDIT does not consider that any public detriments will arise from the notified conduct because:

- *the current level of individual bargaining power of CAUDIT's members is very low;*
- *CAUDIT's members represent a very small proportion of the vendors' sales (most suppliers operate in a global market for which Australian sales represent approximately 1 – 2%, of which only a further 1 – 2% is made up of sales to higher education end users); and*
- *neither CAUDIT's members nor the targets are in any way obliged to participate in any negotiations conducted by CAUDIT (members can elect to accept an offer made or can negotiate directly with a target; a target can approach a member directly whether or not it also makes an offer through CAUDIT).*

CAUDIT does not consider that any other detriments could arise from the notified conduct.

Public benefits

The proposed arrangements offer significant public benefits. Those benefits are:

- *More beneficial terms and conditions, including price, for CAUDIT members, which include all of Australia's universities (many of which are not for profit organisations), than they would be able to achieve on their own, particularly given the small fraction of the targets' business they represent;*
- *Promotion of cost savings for CAUDIT members as well as the targets by way of decreased transaction costs associated with negotiating with each member on an individual basis; and*
- *Increased opportunity for higher education institutions to have input into the terms and conditions which vendors will apply (for example in relation to appropriate levels of support for institutions of their kind), given their otherwise relatively weak negotiating position on an individual basis.*