

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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice:
(Refer to direction 2)

N99931

APT Solutions (Australasia) Pty Ltd [ABN 73 107 943 555]

- (b) Short description of business carried on by that person:
(Refer to direction 3)

APT Solutions provides membership databases and websites to organisations, to allow them to manage their members.

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

Suite 5.02, Level 5
14 Martin Place
Sydney NSW 2000

2. Notified arrangement

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

The relevant service is the ability to allow individuals to make payments by credit or debit card via an online payment page, and have such payment automatically recorded against a membership record in the database.

- (b) Description of the conduct or proposed conduct:

APT offers its customers (membership organisations) the ability to allow their members to make credit or debit card payments via an online payment page delivered from the database if the organisation has a connected account with Stripe (a payment gateway). Otherwise, card payments may be made via any separate payment gateway, not connected with the database.

(Refer to direction 4)

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:
(Refer to direction 5)

The class of persons to which the conduct relates are membership organisations which are customers of APT and which may desire to offer the service to their members of making payments by credit or debit card via an online payment form delivered from the database.

- (b) Number of those persons:

- (i) At present time:

62

- (ii) Estimated within the next year:
(Refer to direction 6)

65

- (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:
(Refer to direction 7)

APT Solutions considers the benefits to be that its customers would have lower administration costs and their members would be able to make payments at any time of the day or night and have the payment (and any consequence of the payment, such as access to services) recorded immediately against their membership record.

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

Using APT's online payment page with a Stripe account means that the payment is automatically recorded in the database. Any card payments made in other ways must be manually recorded, leading to increased administration and a delay between the payment and any consequences of it (such as access to services) becoming available to the member.

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):
(Refer to direction 8)

The market in which APT Solutions operates is the market for membership databases. There are many hundreds of membership organisations, and numerous suppliers (domestic and international) of membership databases. Within APT's product, alternative payment options exist such as Cheque or Direct Debit.

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:
(Refer to direction 9)

APT considers that no public detriments will result from the notified conduct. APT's customers are free to weigh up the pros and cons of offering their members an online card payment option versus any other method of making payments.

- (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:

Helen Pomlett
APT Solutions (Australasia) Pty Ltd
Suite 5.02, Level 5
14 Martin Place
Sydney NSW 2000

Dated.....26/9/17.....

Signed by/on behalf of the applicant


.....
(Signature)

Helen Pomlett
(Full Name)

APT Solutions (Australasia) Pty Ltd
(Organisation)

Director
(Position in Organisation)

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to 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.

2. If 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 notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. 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.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.