

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)

N100004 Mosel Family Holdings Pty Ltd T/A Senior Helpers National (“Senior Helpers”)

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

Senior Helpers operates a Home Care franchise in Australia as a master-franchisee for Senior Helpers LLC (US). The franchise concerns the establishment and operation of in-home care agencies that provide various in-home non-medical care and personal assistance services, primarily for elderly individuals, including care and companionship services, bathing, dressing, grooming, and personal hygiene assistance, light housekeeping, meal planning and preparation, running errands, transportation, medication reminders, and Alzheimer’s and dementia care.

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

Postal: PO Box 109, Mowbray Tasmania 7248

Premises: 1/67-69 Brisbane Street, Launceston Tasmania 7250
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2. Notified arrangement

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

Goods and services supplied by third parties (“Suppliers”), including but not limited to, computer-based databases for scheduling, invoicing, payroll staff and client records (“Products and Services”).

(b) Description of the conduct or proposed conduct:

Senior Helpers will make it a condition of its franchise agreement that the franchisees agree to buy Products and Services only from the Suppliers nominated by Senior Helpers.

(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)

Franchisees of Senior Helpers.

(b) Number of those persons:

(i) At present time:

5

(ii) Estimated within the next year:

(Refer to direction 6)

12

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

1. Linda & Scott Sharrock 3 Eucalypt Parade, St Agnes, South Australia 5097
2. Shelley Guo, 1A Citrus Street, Springvale, Victoria 3195
3. Amy Williams PO Box 109, Mowbray, Tasmania 7248
4. Fauzia Abawi 109/ 1 Banksia Place Bulkham Hills New South Wales 2153
5. Mark Bartlett Suite 2, 246 Victoria Road Gladeville, New South Wales 2112

4. Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

By carefully selecting Products, Services and their Suppliers, Senior Helpers will achieve the following benefits for its franchisees:

- a) they will increase efficiency of the franchisees' business operations by removing the need to search for alternative suppliers, test alternative products and services and train their staff in the use of those products;
- b) the franchisees will have the benefit of the best quality Products and Services suitable for their business, including those that are designed exclusively for the Senior Helpers franchise and have been used by its franchisees for over 10 years in the US and over 6 years in Australia;
- c) the Products and Services selected by Senior Helpers will have competitive set up and ongoing maintenance costs negotiated as a group;
- d) where necessary, Senior Helpers will organise training for its franchisees in the use of new Products.

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

A causal link between Products and Services and the benefits listed in paragraph 4(a) is self-evident as well as based on the experience and market research of the Senior Helpers franchise in Australia and the US.

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 primary market is the market for the provision of in-home aged care services in Australia.

The affected markets are various markets for the supply of particular Products and Services, such as software products.

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)

Other than limiting the franchisees in their choice of Suppliers, there are no identifiable detriments to the public, markets or services.

- (b) Facts and evidence relevant to these detriments:

The number of the affected franchisees is small.

In general, the share of in-home aged care service providers in any of the affected markets is negligible and will not have a distortive effect on the prices of goods and services.

7. Further information

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

Dr Leonie Mosel Williams, Managing Director Senior Helpers National.
Ph: 03 6333 4575 Mobile: 0406 003 818

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Dated. 20 October 2017.....

Signed by/on behalf of the applicant

A handwritten signature in black ink that reads "Leonie Mosel Williams RN PhD". The signature is written in a cursive style.

(Signature)

Leonie Mosel Williams RN PhD
(Full Name)

Senior Helpers National
(Organisation)

Managing 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.