

**From:** [Pavey, Catherine](#)  
**To:** [Bezzi, Marcus](#); [Ghali, Rob](#)  
**Cc:** [Taljaard, Angela](#)  
**Subject:** RE: By 5pm - media inquiry - Australian - TWU letter [SEC=OFFICIAL]  
**Date:** Monday, 15 June 2020 3:14:01 PM

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Thanks Marcus

**From:** Bezzi, Marcus <marcus.bezzi@acc.gov.au>  
**Sent:** Monday, 15 June 2020 3:12 PM  
**To:** Pavey, Catherine <catherine.pavey@acc.gov.au>; Ghali, Rob <rob.ghali@acc.gov.au>  
**Cc:** Taljaard, Angela <Angela.Taljaard@acc.gov.au>  
**Subject:** RE: By 5pm - media inquiry - Australian - TWU letter [SEC=OFFICIAL]

## OFFICIAL

Catherine,

I have made some deletions and suggested some changes below.

Marcus

### QUOTE

It came to the ACCC's attention that a member of the trucking industry published comments in an industry publication. These included calling for owner drivers to stick together and not undercut each other as "we can't afford rates to be lowered anywhere in the industry". The ACCC has concerns about any public comments addressed to competitors which encourage arrangements to maintain prices.

The ACCC is highly conscious of the impact COVID-19 is having on Australian customers and businesses. Maintaining competition keeps prices down for consumers. Contravention of the cartel provisions of the Competition and Consumer Act 2010 is a criminal offence and carries serious criminal and civil penalties.

The ACCC will continue to monitor attempts to form arrangements with the purpose of fixing, controlling or maintaining prices and take action where appropriate.

### Marcus Bezzi

Executive General Manager | Specialised Enforcement & Advocacy

**Australian Competition & Consumer Commission**

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The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

# Released under FOI

**From:** Pavey, Catherine <catherine.pavey@acc.gov.au>  
**Sent:** Monday, 15 June 2020 3:04 PM  
**To:** Ghali, Rob <rob.ghali@acc.gov.au>; Bezzi, Marcus <marcus.bezzi@acc.gov.au>  
**Cc:** Taljaard, Angela <Angela.Taljaard@acc.gov.au>  
**Subject:** By 5pm - media inquiry - Australian - TWU letter [SEC=OFFICIAL] [ACCC-ACCCANDAER.FID1893229]  
**Importance:** High

Hi Rob and Marcus

Subject to your views, I propose a comment along these lines. As I understand it, there have been other public comments discouraging undercutting in various industries, so it is perhaps a good opportunity to comment:

QUOTE

It came to the ACCC's attention that a member of the trucking industry published comments in an industry publication. These included calling for owner drivers to stick together and not undercut each other as "we can't afford rates to be lowered anywhere in the industry". The ACCC has concerns about public comments addressed to competitors which appear to encourage arrangements to fix prices.

The ACCC is highly conscious of the impact COVID-19 is having on Australian customers and businesses. Maintaining competition in the long term will be critical to benefit both consumers and the economy. A competitive economy will be vital to Australia's future. Contravention of the cartel provisions of the Competition and Consumer Act 2010 is a criminal offence and carries serious criminal and civil penalties.

The ACCC will continue to monitor attempts to form arrangements with the purpose of fixing, controlling or maintaining prices and take action where appropriate.

UNQUOTE

I welcome your views.

In case you are interested, the original article is at: <https://www.ownerdriver.com.au/industry-news/2004/maintain-your-rates> I attach [REDACTED] and a letter I received from the TWU today.

Thanks  
Catherine

**Catherine Pavey**

Director | Cartels Branch | Specialised Enforcement and Advocacy Division  
**Australian Competition & Consumer Commission**

# Released under FOI

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**From:** Jacobsen, Geesche <[geesche.jacobsen@acc.gov.au](mailto:geesche.jacobsen@acc.gov.au)>  
**Sent:** Monday, 15 June 2020 2:42 PM  
**To:** Pavey, Catherine <[catherine.pavey@acc.gov.au](mailto:catherine.pavey@acc.gov.au)>; Ghali, Rob <[rob.ghali@acc.gov.au](mailto:rob.ghali@acc.gov.au)>  
**Cc:** Bezzi, Marcus <[marcus.bezzi@acc.gov.au](mailto:marcus.bezzi@acc.gov.au)>; !Media <[!Media@acc.gov.au](mailto:!Media@acc.gov.au)>;  
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**Subject:** media inquiry - Australian - TWU letter [SEC=OFFICIAL]

**OFFICIAL**

Hi,

A reporter from the Australian is aware of a letter Catherine apparently wrote to the TWU about an oped article by Frank Black in Owner Driver magazine.

The reporter is seeking comment, including why we wrote the original letter in response to an 'opinion'.

Deadline 5pm

I am just caught up with another issue, could I leave it with you for consideration and checking?

I assume a general comment reiterating what the issue in the oped was that was of concern to us would be appropriate?

Geesche

## Geesche Jacobsen

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