

**Taljaard, Angela**

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**From:** Pavey, Catherine <catherine.pavey@acc.gov.au>  
**Sent:** Tuesday, 16 June 2020 12:49 PM  
**To:** Jacobsen, Geesche  
**Subject:** RE: media report - National Tribune- TWU letter [SEC=OFFICIAL]

Thanks Geesche!

**From:** Jacobsen, Geesche <geesche.jacobsen@acc.gov.au>  
**Sent:** Tuesday, 16 June 2020 12:21 PM  
**To:** Pavey, Catherine <catherine.pavey@acc.gov.au>  
**Cc:** Bezzi, Marcus <marcus.bezzi@acc.gov.au>; !Media <!Media@acc.gov.au>; !EO\_Parliamentary&GovernmentLiaison <!EO\_Parliamentary&GovernmentLiaison@acc.gov.au>; Ghali, Rob <rob.ghali@acc.gov.au>  
**Subject:** RE: media report - National Tribune- TWU letter [SEC=OFFICIAL]

**OFFICIAL**

Hi, you will have seen the story from the Australian in the clips. Here is another one:

## **TWU calls for ACCC to withdraw jail threat to driver**

- 16 Jun 2020 10:49 am AEST
- Share

The Transport Workers' Union has called on the Australian Competition and Consumer Commission to withdraw a letter threatening jail to a driver who spoke out about rates in an opinion column.

The union has also called on the ACCC to begin an urgent inquiry into distorted competition in the road transport sector, whereby powerful retailers, manufacturers and oil companies set low cost prices for drivers and transport operators.

An April opinion column in Owner Driver magazine by Frank Black, the owner driver representative on the Australian Trucking Association's general council, prompted the ACCC to write to Black stating it had concerns over references to drivers maintaining their rates during the pandemic crisis. The letter adds: "Contravention of the cartel provisions of the CCA [Competition and Consumer Act 2010] is a criminal offence and carries serious criminal and civil penalties, including up to 10 years in jail for individuals, and heavy pecuniary penalties for corporations."

The TWU has written to the ACCC demanding it withdraws the letter and instead sets up an inquiry into the financial squeeze on drivers.

"This is an outrageous attack on free speech and an attempted cover up of the fact that drivers are under pressure from wealthy, powerful clients. Frank in his column pointed out that drivers are being forced into dangerously lowering their prices and instead of looking into the clients creating this problem, the ACCC is going after drivers. We demand a full apology and an inquiry into the real problem: the financial squeeze by major retailers, manufacturers and oil companies," said TWU National Secretary Michael Kaine.

# Released under FOI

"Frank like all hard-working truck drivers has literally pulled Australia through this pandemic crisis. He wrote in his column about having to take on extra work in case work dried up altogether and having to miss his grandson's first birthday as a result. The response of the ACCC in going after a frontline essential worker in this way is heartless," Kaine added.

*To read the original opinion column click here.*

*For the ACCC letter to Frank Black and the TWU letter to the ACCC in response click here.*

<https://www.nationaltribune.com.au/twu-calls-for-accs-to-withdraw-jail-threat-to-driver/>

## Geesche Jacobsen

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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.

**From:** Pavey, Catherine <[catherine.pavey@accs.gov.au](mailto:catherine.pavey@accs.gov.au)>  
**Sent:** Monday, 15 June 2020 3:29 PM  
**To:** Jacobsen, Geesche <[geesche.jacobsen@accs.gov.au](mailto:geesche.jacobsen@accs.gov.au)>  
**Cc:** Bezzi, Marcus <[marcus.bezzi@accs.gov.au](mailto:marcus.bezzi@accs.gov.au)>; !Media <!Media@accs.gov.au>;  
!EO\_Parliamentary&GovernmentLiaison <!EO\_Parliamentary&GovernmentLiaison@accs.gov.au>; Ghali, Rob <[rob.ghali@accs.gov.au](mailto:rob.ghali@accs.gov.au)>  
**Subject:** RE: media inquiry - Australian - TWU letter [SEC=OFFICIAL] [ACCC-ACCANDAER.FID1893229]

Hi Geesche

The comment below has been approved by Marcus and Rob:

### 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.

UNQUOTE

Happy to discuss or provide further information,  
Thanks

# Released under FOI

Catherine

**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**

Director, Media | Strategic Communications Branch  
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