



Collective bargaining class exemption notice form

1. Who is in the collective bargaining group?

Describe or list the current members of the group and those who may join the group in the future.

If you have a small group that will not change, you can list the names of all members.

If you expect to add new members over time, you should provide a **general description of the members of the group**. For example: *A group of dairy farmers in the Manning Valley area in New South Wales*.

Boral VIC Concrete Agitator Multi Fleet Owners

2. Who does the group propose to collectively bargain with?

If you intend to negotiate with just one particular target business, or a small number of known target businesses, you can list the names of each target business.

If you do not yet know all the businesses or organisations you will bargain with (e.g. your group will run a tender) or you expect to add new target businesses over time, you should provide a **general description of the type of target businesses the group intends to collectively bargain with**. For example: *Dairy processing companies*.

SPJ Concepts Pty Ltd

Weston Transport Pty Ltd

Galway Lodge Pty Ltd

K & R Bros Pty Ltd

Concept Transport Pty Ltd

Tungsten Transport Pty Ltd

Nijjar Transport Pty Ltd

Nayyar Associates Pty Ltd

3. What does the group propose to collectively bargain about?


Describe the goods or services that the group proposes to bargain about with the target businesses. For example: *Supply of raw milk*.

Cartage Contract, Cost Model Inputs and Cartage Rates Per Klm for Boral Concrete Agitator Work in Victoria

4. Contact details

A person the ACCC can contact in relation to the collective bargaining arrangements. This can be any member of the group or a nominated representative who is able to provide the ACCC with further information about the group if required. The contact person's name, telephone number, email address and signature will be redacted when the ACCC places this notice on its public register.

Please advise the ACCC as soon as possible if the contact person, or their details, change.

| | | |
|---|--|--|
| Contact person (name and, if relevant, position): |  | |
| Telephone number: | | |
| Email address: | | |
| Signature of contact person: | | |
| Date: | 20 February 2025 | |

On the other hand, if the notice form describes the target as ‘dairy processing company A’, each business must have a reasonable expectation that it will enter into a contract with *that specific dairy processing company* regarding the supply of raw milk.

Other features of the class exemption

- As long as each business meets the eligibility criteria there are no limits on the size of bargaining groups that can be formed, as long as the composition of the bargaining group is as described on the notice form provided to the ACCC.
- There are also no limits on who a group can collectively bargain with as long as the target, or class of target businesses, the group proposes to negotiate with is as described on the notice form provided to the ACCC. However, no business can be compelled to join the group and the group cannot compel a target business to negotiate with the group, for example by threat of a collective boycott.
- The class exemption also provides protection for eligible businesses to conduct joint tender processes or jointly respond to a tender.
- Collective bargaining groups formed under the class exemption can appoint a person who is not a member of the group – such as an industry association, cooperative or professional advisor – to negotiate on their behalf. Bargaining representatives appointed by the group do not need to meet the eligibility criteria unless they are themselves also a member of the bargaining group.
- If the members of the group or targets change so that they no longer match the notice form provided to the ACCC, you must provide a new notice form to the ACCC before the new members of the group, or collective bargaining with new targets, are covered by the class exemption.

Conduct not protected by the class exemption

The class exemption does not provide protection from competition laws where:

- Businesses want to engage in collective boycotts. Businesses can, however, seek legal protection to engage in collective boycotts using the authorisation or notification processes. The ACCC will assess each collective boycott proposal on a case-by-case basis.
- Businesses share commercially sensitive information beyond what is necessary to facilitate the collective bargaining process. Further, the class exemption does not override contractual obligations that limit the sharing of information, such as confidentiality provisions in contracts.
- The ACCC has previously denied or revoked an authorisation or notification for the same collective bargaining arrangements.²

Further information

More detailed information about the collective bargaining class exemption, including the eligibility criteria, is available in the ACCC’s [Collective bargaining class exemption guidelines](#). We encourage you to read this guide before lodging your notification.

The ACCC is also available to answer questions about the collective bargaining class exemption and the authorisation and notification processes. If you’re not sure whether you are eligible for protection under the class exemption, we’re always happy to discuss this with you.

Please direct inquiries to the General Manager, Competition Exemptions, ACCC at exemptions@acc.gov.au.

² Or the applicants have withdrawn the notification, or withdrawn the application for authorisation after the ACCC issued a draft determination proposing to deny authorisation.

Checklist for gaining legal protection to collectively bargain through the class exemption

- ☒ Was your aggregated turnover less than \$10 million in the financial year prior to joining the collective bargaining group? Franchisees and fuel retailers do not need to meet the aggregated turnover threshold when collectively bargaining with a common franchisor or fuel wholesaler.
- ☒ Do you have a reasonable expectation that you will make a contract with a target business?
- ☒ Has your bargaining group provided a completed collective bargaining class exemption notice form to the ACCC? You can check this on the ACCC's public register. The ACCC will also provide bargaining groups with a letter confirming receipt of their notice form.
- ☒ You must also ensure that each target business the group proposes to collectively bargain with is provided with a copy of the notice form when the group or their representative first approaches the target business.
- ☒ If the composition of your bargaining group, or the target business(es) or customer(s) you propose to bargain with, change from as described on the notice form you need to lodge a new notice form with the ACCC.

Checklist for lodging a collective bargaining class exemption notice form

- ☒ Did each member of your proposed collective bargaining group have aggregated turnover of less than \$10 million in most recently completed financial year? Franchisees and fuel retailers do not need to meet the aggregate turnover threshold when lodging a notice form to collectively bargaining with a common franchisor or fuel wholesaler.
- ☒ Does each member of your proposed collective bargaining group have a reasonable expectation that you will make a contract with a target business?
- ☒ Provide a completed collective bargaining class exemption notice form to the ACCC. The ACCC will provide you with a letter confirm receipt.
- ☒ You must also ensure that each target business the group proposes to collectively bargain with is provided with a copy of the notice form when the group or their representative first approaches the target business.
- ☒ If the composition of your bargaining group, or the target business(es) or customer(s) you propose to bargain with, change from as described on the notice form you need to lodge a new notice form with the ACCC.