



Our ref: CB10000458
Contact officer: Simon Bell
Contact phone: 02 6243 1232

23 Marcus Clarke Street
Canberra ACT 2601

GPO Box 3131
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

2/11/2018

adjudication@acc.gov.au

www.accc.gov.au

Dear Sir/Madam

Collective Bargaining Notification CB10000458 lodged by KIS Transport Australia Pty Ltd—interested party consultation

Introduction

On 26 October 2018, the Australian Competition and Consumer Commission (the ACCC) received a collective bargaining notification from KIS Transport Australia Pty Ltd (KIS Transport) on behalf of seven freight brokers (together, the collective bargaining group).

The collective bargaining group intend to collectively bargain terms and conditions of access to a web based platform for the freight broking industry via a Software as a Service (SaaS) arrangement. Flip Technologies Pty Ltd. provides the SaaS and therefore access to the platform. The collective bargaining group use the platform to provide freight broking services to customers, connecting customers to freight carriers.

The purpose of this letter is to invite your comments as a party who may be interested in providing a submission to the ACCC in relation to these proposed collective bargaining arrangements. Please see the ACCC's publication [Small Business Collective Bargaining Notifications & the Competition and Consumer Act](#) for a summary of the notification process and how to make a submission.

A copy of the notification is available on the ACCC's website [Collective bargaining notifications register](#).

Collective bargaining notification process

Collective bargaining occurs where two or more competitors come together to negotiate terms and conditions with a supplier or customer.

Without prior approval from the ACCC collective bargaining can breach the *Competition and Consumer Act 2010* (the Act).

Once the ACCC receives a collective bargaining notification it will assess the likely public benefits and detriments, including any lessening of competition, to determine whether it should object to the notification.

The legal protection provided by a collective bargaining notification commences 14 days after the notification is lodged, unless the ACCC objects within this period.

The ACCC expects to finalise its assessment of this notification by early December 2018.

Request for submissions

You are invited to make a submission on the likely public benefits and the likely effect on competition, or any other public detriment, from the proposed collective bargaining arrangements.

Submissions on the notification should be provided by close of business on 12 November 2018. Please email submissions to adjudication@accc.gov.au with the subject "CB10000458 – 'KIS Transport' – submission".

Alternatively, if you would like to provide comments orally, please contact Simon Bell on (02) 6243 1232 or via email to adjudication@accc.gov.au to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the ACCC's review of the notification. Please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the notification.

This letter will be placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Simon Bell on (02) 6243 1232 or via email to adjudication@accc.gov.au.

Yours sincerely



David Hatfield
Director
Adjudication Branch

Interested parties

Freightlinks
Batson logistics
Austwide Freight
Advanced Freight Management
Freight Match
Transworld Freight Services Pty Ltd
Freight and More
M&S Transport
BHF Couriers
ADT Freight Services Australia PTY LTD
Worldwide Customs & Forwarding Agents Pty. Ltd.
National Freight Management
Clemenger International Freight
Hodder Logistics International
Couttie Industries Australia
Freight Company Melbourne
Clarke Global Logistics
Across the Ocean Shipping
Hudsons Global Logistics
Linfox