

26 of April 2019

ACCC

Notification of proposed collective bargaining without a boycott.

Collective bargaining notification lodged by Lionbend Pty Ltd and Others in respect for collective bargaining with Boral Resources Ltd Melbourne.

The applicants seek notification for quarry cartage businesses that are contracted to Boral Resources Ltd, Metro Quarry division, Melbourne (Boral) to engage in collective bargaining with Boral for the purpose of giving ongoing effect to an established quarry cartage agreement, including periodic reviews of existing contracts, and negotiation of any new contracts.

Quarry cartage businesses that operate three or fewer trucks have immunity from legal action under the CCA to bargain with Boral through the operation of the Victorian Owner Drivers and Forestry Contractors Act 2005 (ODFCA). Businesses that operate fleets of four or more trucks are outside the scope of the ODFCA. The purpose of the collective bargaining arrangement is for businesses operating four or more trucks to join businesses operating three or fewer trucks to collectively bargain with Boral.

The applicant.

Lionbend Pty Ltd A.C.N. 006 490 875
Mr Frank Picioneri

Boral Resources Melbourne

251 Salmon Street
Port Melbourne 3207
Phone Contact:- 1300 132 964
Att:- Mr Paul Rogan, Operations Manager

Lionbend Pty Ltd is a quarry cartage business operating 10 trucks and is currently contracted to deliver Boral Quarry Materials in the Melbourne metropolitan region.

All contracted vehicles are fitted with mobile transmission devices (MDTs). This systems allows Boral to monitor the fleet on a minute to minute basis, i.e. who is logged on to drive the vehicle, what time did they start and finish, how many hours worked, when rest breaks occurred, where the vehicle is located, etc etc.

Lionbend Pty Ltd seeks notification on behalf of itself and fourteen current and any future, quarry cartage businesses delivering Boral Quarry Materials in the Melbourne metropolitan region.

There are approximately 90 quarry cartage businesses currently contracted to Boral, in the Melbourne metropolitan region. Approximately fifty percent of these businesses operate three or fewer vehicles,

and the other fifty percent operate four or more vehicles, however the cartage agreements with Boral are all similar in nature.

Each individual contract agreement, in regard to this notification has a turn-over of less than three million per annum.

We seek as a group collective, to engage in collective bargaining with Boral for the purpose of giving ongoing effect to the established agreements, including periodic reviews of existing contracts and any new contracts for a period of 10 years.

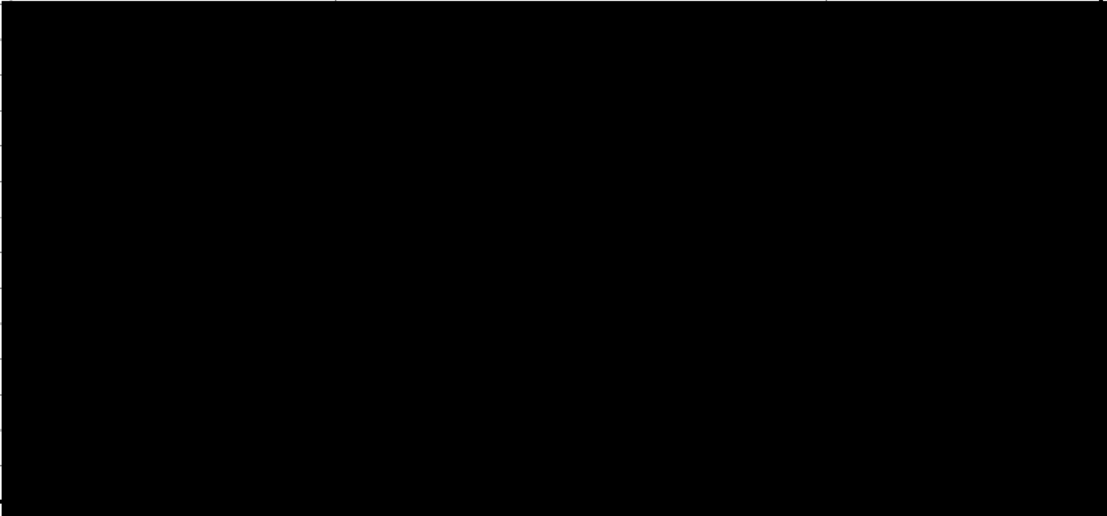
The notification sought, would not compel any party to participate in collective bargaining if it did not wish to do so.

Individual quarry cartage business negotiating with Boral, incur transaction costs such as time taken to negotiate, and legal or other expert costs. Collective bargaining is likely to result in public benefits from transaction cost savings, including the sharing of advisor costs, for the quarry cartage businesses and Boral, because each party can obtain the benefit from negotiating these issues at less cost to itself, resulting in more comprehensive and efficient contracts of greater benefit to all parties.

The majority of quarry cartage businesses providing services to Boral are small businesses, and are at a distinct disadvantage in terms of resources and experience when negotiating with Boral.

Yours Sincerely

Frank Piscioneri

	A	B	C	D
1	Boral Owner Drivers			
2				
3	Company Name	Owner	Email	Contact Number
4				
5				
6	Tanner Ridge Pty Ltd			
7	Camilleri Transport Pty Ltd			
8	Fenwood Heights Pty Ltd			
9	Frank Raso Transport Pty Ltd			
10	Corsair Transport Pty Ltd			
11	Vella Haulage Pty Ltd			
12	Gunbower Pty Ltd			
13	Lionbend Pty Ltd			
14	Gulino Transport Pty Ltd			
15	Roda Group Pty Ltd			
16	Tringali Road Transport Pty Ltd			
17	J & P Camilleri & Son Pty Ltd			
18	Arbol Nominees Pty Ltd			
19	Killarney Lakes Transport			