



Australian Competition & Consumer Commission

Ref: C2000/1208
Contact Officer: Tania Mayrhofer
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10 December 2003

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Mr Geoff Noble
General Manager
Victorian Brick and Blocklaying Training Foundation
PO Box 42
Holmesglen VIC 3148

Dear Mr Noble

Victorian Brick and Blocklaying Training Foundation application for revocation and substitution of authorisation A90738 - request for interim authorisation

I refer to your application for revocation and substitution of authorisation A90738 and request for interim authorisation. Your application seeks to extend the period of the existing authorisation in relation to levy arrangements involving Clay Brick and Paver Association of Victoria members and other voluntary participating non-members to fund an industry based training initiative for apprentice and trainee bricklayers, and increase the levy from \$1.00 per thousand bricks sold to \$2.00 per thousand bricks sold.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the *Trade Practices Act 1974* ('the Act') while the Commission considers and evaluates the merits of the application.

The Australian Competition and Consumer Commission ('the Commission') has considered the request for interim authorisation, and has decided to suspend the operation of authorisation A90738 and to grant interim authorisation to the current levy arrangements in substitution to enable due consideration to be given to the merits of the application for revocation and substitution. In assessing the request for interim authorisation, the Commission gave consideration to the following:

- granting interim authorisation would not permanently alter the state of the market or inhibit it from returning to its pre interim authorisation state if final authorisation is later denied;
- granting interim authorisation is unlikely to adversely impact on other parties such as consumers;
- there is likely to be little, if any, public detriment in allowing the arrangements to proceed in the short term; and



- granting interim authorisation would not disturb the existing position pending a final decision as the status quo would be maintained.

Please be advised that the Commission's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the Commission.

Please also note that under subsection 91(2AB) of the Act, the Commission may revoke an interim authorisation at any time.

I attach for your information a copy of the letter sent to interested parties informing them of the Commission's decision.

If you have any questions please contact Tania Mayrhofer on (02) 6243 1070.

Yours sincerely



Tim Grimwade
General Manager
Adjudication Branch

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Dear

Victorian Brick and Blocklaying Training Foundation application for revocation and substitution of authorisation A90738 - request for interim authorisation

I refer to my letter to you dated 5 December 2003, advising that the Australian Competition and Consumer Commission ('the Commission') has received an application for revocation and substitution of authorisation A90738 and request for interim authorisation from the Victorian Brick and Blocklaying Training Foundation (VBBTF) on behalf of the Clay Brick Pavers Association of Victoria (CBPAV).

Broadly, the VBBTF is seeking to extend the period of the existing authorisation in relation to the current levy arrangements and increase the current levy from \$1.00 per thousand bricks sold to \$2.00 per thousand bricks sold. A copy of the application was attached to my original letter.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the *Trade Practices Act 1974* ('the Act') while the Commission considers and evaluates the merits of the application.

The Commission has considered the request for interim authorisation, and has decided to suspend the operation of authorisation A90738 and to grant interim authorisation to the current levy arrangements in substitution to enable due consideration to be given to the merits of the application for revocation and substitution. In assessing the request for interim authorisation, the Commission gave consideration to the following:

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- granting interim authorisation would not disturb the existing position pending a final decision as the status quo would be maintained.

Please be advised that the Commission's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the Commission.

Please also note that under subsection 91(2AB) of the Act, the Commission may revoke an interim authorisation at any time.

As explained in my letter of 5 December 2003, the Commission is currently seeking written submissions regarding the likely public benefits and effects on competition of the arrangements for which authorisation is sought. Submissions are being sought by **16 January 2003**.

If you have any questions please contact Tania Mayrhofer on (02) 6243 1070.

Yours sincerely

Tim Grimwade
General Manager
Adjudication Branch