

Our Ref: C2005/1078  
Contact Officer: Cameron Martin  
Contact Phone: 02 6243 1107

4 August 2005

Dear

**Applications for authorisation A90973 and A90974 lodged by the Tasmanian Forest Contractors Association Ltd – request for interim authorisation**

I refer to the applications for authorisation A90973 and A90974 lodged with the Australian Competition and Consumer Commission (the ACCC) by the Tasmanian Forest Contractors Association Ltd (the TFCA) on 30 June 2005.

I note that, as part of this application, the TFCA has requested that the ACCC grant interim authorisation to allow it to begin the process of organising its members into bargaining groups, but not to commence collective negotiations with the wood companies.

By way of guidance on how it will exercise its discretion to grant an interim authorisation, the ACCC has stated that it will only grant an interim authorisation in special circumstances. Factors that the ACCC will consider in making this assessment include whether the market would be able to return to substantially its pre-interim authorisation state if the ACCC were to later deny authorisation.

Having considered the TFCA's request for interim authorisation, the ACCC has decided that it would not be appropriate for it to grant interim authorisation to the TFCA at this time.

On balance, the ACCC decided that it would be more appropriate to reconsider the issue of interim authorisation when issuing its draft determination. At that time the ACCC will be in a better position to consider whether interim authorisation to allow the TFCA and its members to commence collective negotiations should be granted.

I also note that it is unclear whether the TFCA proposed to engage in activities for which interim authorisation is required. That is, it is not apparent that interim authorisation is in fact necessary for the TFCA to determine the structure of future bargaining groups.

I would also note that the ACCC'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 ACCC.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Cameron Martin on 02 6243 1107.

Yours sincerely

Scott Gregson  
A/g General Manager  
Adjudication Branch

Name	Title	Address
Mr John Gay	Managing Director	Gunn's Limited
Mr Laurie Wilson	Chairman	Forestry Tasmania
Mr Andrew White	Chief Executive Officer	Forest Enterprises Australia
	The General	Rayonier
	Manager	Department of Agriculture, Fisheries and Forestry
Ms Joanna Hewitt	Secretary	Department of the Environment and Heritage
Mr David Borthwick	Secretary	Department of Employment and Workplace Relations
Dr David Boxall	Secretary	Department of Industry, Tourism and Resources
Mr Mark Paterson	Secretary	Department of Primary Industries, Water and Environment
Mr Kim Evans	Secretary	Department of Tourism, Parks, Heritage and the Arts
Mr Scott Gadd	Secretary	Department of Infrastructure, Energy and Resources
Mr Mark Addis	Secretary	Forests and Forest Industry Council of Tasmania
Mr Rob Woolley	Chairman	Norske Skog
	The General	Timber Communities Australia
	Manager	Furniture Industry Association of Australia
Ms Jill Lewis	National Director	CFMEU - Forestry and Furnishing Products Division
	The General	The Wilderness Society
	Manager	The Australian Conservation Foundation
Mr Russell Hansen	The Chief Executive Officer	Australian Paper
Mr Don Henry	Executive Director	Forest Industries Association of Tasmania
Mr David Goldthrop	Chief Operating Officer	
Terry Edwards	Chief Executive Officer	