



**Australian
Competition &
Consumer
Commission**

Our Ref: C2007/818
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4 May 2007

Dear sir/Madam

Construction Material Producers Association application for authorisation A91047

On 5 April 2007, the Construction Material Producers Association (CMPA) lodged an application for authorisation with the Australian Competition and Consumer Commission (ACCC) to develop and publish a number of standard form contracts. The CMPA also sought interim authorisation.

The ACCC has decided to grant interim authorisation to one aspect of the CMPA's proposed arrangements. In particular, the ACCC has granted interim authorisation for the CMPA to make available the standard form *Owner Driver* contract for its members to be able to use as a starting point for negotiating contracts with owner drivers.

The ACCC has not extended interim authorisation to the remaining aspects of the CMPA's application.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

Summary of considerations

In assessing the CMPA's request for interim authorisation, the ACCC considers that providing interim authorisation to make available the *Owner Driver* contract may assist CMPA members and their contracted owner drivers to comply with certain requirements contained in the *Owner Drivers and Forestry Contractors Act 2005*.



The ACCC has also taken account of the absence of any industry concern raised in relation to the Owner Driver contract and the fact that use of those contracts is voluntary for all parties. In relation to the remaining aspects of the CMPA's application, the ACCC considers that there is not the same degree of urgency and that these are more appropriately considered with the substantive application.

Please be advised 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. The ACCC will revisit the matter of interim authorisation at the time it releases its draft determination in the coming months.

Next steps

For your information, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the CMPA and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will provide both the CMPA and interested parties with the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

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 Liam Stewart on (02) 6243 1275.

Yours sincerely

Scott Gregson
General Manager
Adjudication Branch

Party
Cement Concrete & Aggregates Australia
Transport Workers Union
Local Government Victoria
Australian Trucking Association
VicRoads
Victorian Transport Association
Department of Innovation, Industry and Regional Development
Boral - Australian Construction Materials
Cement Industry Federation
Cement Australia
Blue Circle Southern Cement
Melbourne Water
Department of Infrastructure
VicTrack
Department of Employment and Workplace Relations
Delta Group
Local Mix Quarries
Mansfield Constructions
Newcomb Sand & Soil Supplies
Readymix
Hanson Group
Barro Group