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3 May 2007

The General Manager  
 Adjudication Branch  
 Australian Competition & Consumer Commission  
 PO Box 1199  
 DICKSON ACT 2602



Dear Sir

**YOUR REF: A91047**

Cement Concrete & Aggregates Australia (CCAA) refers to the letter from the Australian Competition and Consumer Commission (the ACCC) inviting comment on the application made by the Construction Material Producers Association Inc (the CMPA) for authorisation to develop and publish a number of standard form contracts for its members (the Application).

It is noted that CCAA is an industry association whose membership includes quarry owners and operators.

Paragraph 1.12 of the Attachment to the Application indicates that the major quarry owners and operators are members of CCAA. While this statement is generally correct, it is noted that CCAA also has a number of members who are smaller businesses and membership is open to all industry participants regardless of size. CCAA's membership in respect of the aggregates industry therefore spans both major owners and operators to small owners and operators.

Paragraph 3.5 of the Attachment notes that CMPA members compete with members of CCAA and goes on to assert that, "Members of this Association [CCAA] are able to develop their own contract as on [sic] association or as individual companies".

CCAA does not have any present intention to develop such a standard form contract for use by its members. However, as a general comment if the CCAA decided to go down this path then this would be on the basis that it was subject to an application for authorisation.

While CCAA does not have any objection to CMPA developing and using standard form contracts, it is concerned that a level playing field is maintained as between all competitors in the aggregates industry.

CCAA notes the resolution of the Management Committee of the CMPA reproduced at paragraph 2.2 of the Attachment states that "while recommending the use of the forms they are intended for guidance to members only and there will be no compulsion to use them or to use them unamended."

CCAA would support this being a condition of any authorisation.

Yours faithfully

**KEN SLATTERY**  
 Chief Executive Officer

