



**Australian
Competition &
Consumer
Commission**

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

Our Ref: A91047
Contact Officer: Shane Chisholm
Contact Phone: (02) 6243 1252

20 June 2007

«Contact»
«Party_»
«Postal_Address»

Dear «Salutation»

Re: CMPA application for authorisation A91036-A91040 - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the Construction Material Producers Association on 5 April 2007.

The CMPA has sought authorisation to agree to develop and publish two types of standard form contracts for use by its members. These standard form contracts are for its members when contracting with:

- certain contractors for State government authorities or private principals, for the supply of construction materials; and
- owner drivers for the transport of construction materials.

A copy of the ACCC's draft determination is attached. For the reasons set out in its draft determination, the ACCC proposes to grant the authorisation for a period of five years.

Interim authorisation

On 2 May 2007, the ACCC 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 decided to extend interim authorisation to the remaining aspects of the CMPA's application. That is, interim authorisation is granted for the CMPA to make available standard form contracts for its members to be able to use as a starting point for negotiating contracts for the supply of construction materials with contractors for Victorian government authorities or private principals.



Interim authorisation will continue to protect the proposed arrangements from action under the *Trade Practices Act 1974* until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

Next steps

Once the ACCC issues a draft determination, the applicant or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for the applicant and interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally, without the participation of legal or other professional advisers.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **cob 6 July 2007**.

Alternatively, you are also invited to make a written submission in response to the ACCC's draft determination. Written submissions should be lodged by **cob 6 July 2007** at the following address:

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

Submissions can also be lodged by e-mail to adjudication@acc.gov.au or by facsimile on 02 6243 1211.

Persons lodging a submission with the ACCC may, in certain circumstances, request that information included in the submission be excluded from the public register. Submissions which are excluded from the public register may still be taken into account by the ACCC. Guidelines for seeking exclusion from the public register are available at www.acc.gov.au.

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-determination conference, if one is called, and will then release a final determination in relation to these applications.

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 Shane Chisholm on (02) 6243 1252.

Yours sincerely

David Hatfield
Director
Adjudication Branch

The above letter was sent to the following parties

- Cement Concrete & Aggregates Australia
- Transport Workers Union
- Australian Trucking Association
- VicRoads
- Department of Innovation, Industry and Regional Development
- Department of Employment and Workplace Relations
- Readymix