



**Australian
Competition &
Consumer
Commission**

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

29 August 2007

«Contact»
«Party_»
«Postal_Address»

Dear «Salutation»

**Re: Construction Material Producers Association application for authorisation A91047
- final determination**

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

The CMPA 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 determination is attached, including a summary of its reasons. For the reasons set out in its determination the ACCC has decided to grant authorisation for five years, on condition that the CMPA engages an independent consultant (who was not involved in the development of the owner drivers contracts), with experience in small business contracts, to undertake a review of the owner drivers contract between 6 to 12 months after the owner drivers contract is implemented. This review must consider whether, when looking at the experience of implementing the owner driver contract, the contract can be improved and/or simplified, taking into account the views of interested parties, including the CMPA, relevant owner drivers and the Transport Workers Union. The CMPA must respond to any recommendations made by the review in good faith, and report to the ACCC on the outcomes of the review and the actions taken by the CMPA in response to the review.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 19 September 2007. If no application to review is lodged by this date, the ACCC's determination will come into force on 20 September 2007.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter or would like a copy of the determination sent to you, please do not hesitate to contact Shane Chisholm on (02) 6243 1252.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Scott Gregson', with a large, sweeping flourish extending to the right.

Scott Gregson
General Manager
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