

Letter sent to attached list



**Australian  
Competition &  
Consumer  
Commission**

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[www.accc.gov.au](http://www.accc.gov.au)

Our Ref: A91103  
Contact Officer: Jaime Martin  
Contact Phone: (03) 9290 1477

14 October 2008

Dear Sir/Madam

**Application for authorisation (A91103) for collective negotiations by owner drivers with earthmoving contractors in South East QLD**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from the Construction, Forestry, Mining and Energy Union (CFMEU). As a potentially interested party, the ACCC invites you to comment on the application. Attached for your information, is a summary of the authorisation process, including how to make a submission to the ACCC.

The CFMEU seeks authorisation for its owner driver members to collectively negotiate with earthmoving contractors in relation to the terms, prices and conditions of the earthmoving services provided by the owner drivers to the earthmoving contractors in the commercial and civil construction sectors in south-east Queensland.

CFMEU's application seeks authorisation for its current and future owner driver members in collective negotiations with current and future acquirers of earthmoving services.

Please find enclosed a copy of the CFMEU's application for authorisation which provides more detail on the proposed arrangements. A copy of the application for authorisation is also available on the ACCC's website [www.accc.gov.au](http://www.accc.gov.au).

**Request for submissions**

The ACCC invites you to make a submission on the likely public benefits and the likely effect on competition, or any other public detriment, from the proposed collective bargaining arrangements. In this regard, the ACCC recommends that you refer to the CFMEU's application and supporting submission before making a submission.

If you would like to provide a submission in relation to the CFMEU's application for authorisation, please do so by **31 October 2008**.

Alternatively, if you would like to provide comments orally, please contact Ms Jaime Martin on (03) 9290 1477 to arrange a suitable time.

Submissions, including a record of oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

We would appreciate the provisions of email contact details in your submission to facilitate future correspondence in relation to this application.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the CFMEU's application.

Finally, please inform us if you do not wish to make a submission at this time but would like to be kept informed of the progress of this matter.

### **Timetable**

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

<b>6 October 2008</b>	Lodgement of application and supporting submission.
<b>14 October 2008</b>	Public consultation process begins.
<b>31 October 2008</b>	Closing date for submissions from interested parties.
<b>Mid November 2008</b>	Applicant responds to issues raised in the public consultation process.
<b>December 2008</b>	ACCC draft determination issued.
<b>January / February 2009</b>	Public consultation on draft determination including any conference if called.
<b>February / March 2009</b>	ACCC Final Determination issued.

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 Jaime Martin on (03) 9290 1477 (or at [jaime.martin@acc.gov.au](mailto:jaime.martin@acc.gov.au)) or Simon Mitchell on (03) 9290 6909 (or at [simon.mitchell@acc.gov.au](mailto:simon.mitchell@acc.gov.au)).

Yours sincerely

  
David Hatfield  
Director  
Adjudication Branch

**APPLICATION FOR AUTHORISATION A91103 FROM THE CONSTRUCTION, FORESTRY,  
MINING AND ENERGY UNION**

**INTERESTED PARTIES – INITIAL CONSULTATION**

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In addition to the interested parties listed below, the ACCC also invited submissions from the 24 current owner driver members of the CFMEU.

<b>No</b>	<b>Organisation</b>
1.	Timms Haulage Pty Ltd
2.	Byrne Earthmoving
3.	APA Tippers Pty Ltd
4.	Rockin Haulage Pty Ltd
5.	Lantrek
6.	<b>Coastal Tipper Hire Pty Ltd</b>
7.	Coast 2 Coast Earthmoving Pty Ltd
8.	D&M Plant Hire
9.	Bulk Granite Haulage
10.	Thiess Pty Ltd
11.	Boral Transport
12.	Tims Holdings Group Pty Ltd
13.	Queensland Master Builders Association
14.	Demolishers, Recyclers and Asbestos Contractors Association QLD
15.	Queensland Major Contractors Association
16.	Commerce Queensland
17.	Queensland Trucking Association
18.	Australian Government Workplace Ombudsman
19.	Australian Government Office of the Australian Building and Construction Commissioner
20.	Australian Government Department of Innovation, Industry, Science and Research
21.	Queensland Government Department of Tourism, Regional Development and Industry
22.	Owner Drivers Australia
23.	Civil Contractors Federation (Queensland)
24.	Australian Industry Group
25.	Australian Construction Industry Forum