



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2007/818
Contact Officer: Shane Chisholm
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16 October 2008

Mr Ron Kerr
Honorary CEO
Construction Material Processors Association
PO Box 396
KILMORE VIC 3764

Dear Mr Kerr

**Re: Construction Material Processors Association (CMPA) application for
authorisation A91047**

Thank you for your letter of 19 September 2008 regarding the CMPA's progress towards complying with a condition in the authorisation granted by the ACCC on 29 August 2007.

Compliance with the condition

I note your advice that, since the authorisation was granted, the CMPA has only sold six contracts for use with owner drivers for the transport of construction materials and that you are unaware of any members who have used the contract. The CMPA considers that a review may be more useful when there has been measurable market penetration.

As you know, the ACCC granted authorisation subject to the condition that the CMPA conduct an independent review of the owner drivers contract between 6-12 months after the contract is implemented, to determine whether, when looking at the experience of implementing the owner driver contract, the contract can be improved and/or simplified.

To comply with the condition, the CMPA must undertake an independent review of the owner driver contract between 6-12 months after the contract is implemented (ie used by your members in contracting with their owner drivers). I would be grateful if the CMPA could advise the ACCC when the contracts are implemented.

Consultation

I have also written to the Transport Workers Union and the Department of Innovation, Industry and Regional Development given their interest in the matter at the time of authorisation. Please find attached copies of these letters.

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

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line that extends to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch