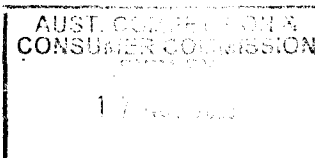




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14 November 2008

The Director
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 520
MELBOURNE VIC 3001

FILE No:

DOC:

PARS/FILED:

Contact
Charles Massy
Associate
Phone: 07 3017 2400

Our Reference
CM:LMT:3710132

Your Reference
A91103

Attention: Joanne Pallsi

By Facsimile: (02) 9223 1092

No of Pages: 2

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Please note the original of this facsimile will not be forwarded unless requested.

Dear Director,

Re: CFMEU Application for Authorisation

We refer to the above and to your email to our Mr Luke Tiley of 5 November 2008.

We have recently obtained our client's instructions regarding the progression of the above matter in light of your earlier advice regarding:

- a. submissions to the ACCC from interested parties; and
- b. the ACCC's ability to delay its draft determination at our client's request.

We are instructed that our client:

1. intends to proceed with their Application and, to that end, wholly reserves its right to make further submissions to the ACCC to advance their Application;
2. considers the ACCC's original timetable for this matter to be untenable given that the ACCC is still receiving submissions from interested parties and, accordingly, our client has not had the benefit of considering all material to which it will be required to respond by way of submissions in reply;
3. will need to provide lengthy submissions in reply in support of its Application, due to the volume of material that has been put before the ACCC to date;
4. will not be in a position to provide submissions in reply within the time frame contemplated by the ACCC's original timetable; and
5. expects it will be in a position to provide its submissions, in reply, to the ACCC by mid January 2009.

OFFICES

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*by appointment
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14 November 2008

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In light of the foregoing, we request that the ACCC please publish an amended timetable for the progression of our client's Application.

In the meantime, we request that you continue to forward to our office any submissions from interested parties received by the ACCC other than the six which we have been notified of to date.

If you have any questions in relation to his matter please revert to the writer.

Yours faithfully

HALL PAYNE LAWYERS

A handwritten signature in black ink, appearing to be a stylized name, is written over the typed name 'HALL PAYNE LAWYERS'.