



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91103
Contact Officer: Sharon Clancy
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25 November 2008

«Address»

This letter was sent
to the attached list
of interested parties.

KR 25/11/08

Dear «Salutation»

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

I refer to the application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 6 October 2008 by the CFMEU, and subsequent correspondence from the ACCC in relation to the application.

The purpose of this letter is to inform you of a change to the indicative timetable for the ACCC's consideration of this matter.

Revised timetable

CFMEU has advised that it would not be in a position to provide a substantial response to submissions from interested parties until mid-January 2009.

As you may be aware, under section 90(10) of the *Trade Practices Act 1974* (the Act), the ACCC must determine an application for authorisation within 6 months of receiving an application, otherwise the ACCC is deemed to have granted the authorisation.

While the request by the CFMEU does impact on the timing for consideration of the application, the ACCC has advised the CFMEU that it can accept a submission by 13 January 2009 and still finalise the matter within the statutory timeframe.

The ACCC will continue to progress the application along the lines of the revised indicative timetable below.

Indicative timetable (revised)


6 October 2008	Lodgement of application and supporting submission.
14 October 2008	Public consultation process begins.
31 October 2008	Closing date for submissions from interested parties.
14 November 2008	Request from the CFMEU for an extension to the deadline for providing a response to the issues raised in the public consultation process.
13 January 2008	Closing date for submissions by CFMEU responding to issues raised in the public consultation process.
January / February 2009	ACCC draft determination issued.
February/March 2009	Public consultation on draft determination including any conference if called.
March 2009	ACCC final determination issued.

Please note that once the ACCC releases its draft determination, there will be a further opportunity to provide submissions and/or request that the ACCC hold a pre-decision conference. Should you wish to discuss any aspect of this matter, please contact Sharon Clancy on (02) 6243 1217 (or at sharon.clancy@acc.gov.au) or Kristy Randall on (02) 6243 1061 (or at kristy.randall@acc.gov.au).

This letter has been placed on the ACCC's public register.

Yours sincerely



 Dr Richard Chadwick
General Manager
Adjudication Branch

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

INTERESTED PARTIES – LETTER REGARDING REVISED TIMETABLE

In addition to the interested parties listed below, the ACCC also informed the 24 current owner driver members of the CFMEU of the ACCC's position on the validity of the application.

No	Organisation
1.	Timms Haulage Pty Ltd
2.	Byrne Earthmoving
3.	APA Tippers Pty Ltd
4.	Rockin Haulage Pty Ltd
5.	Lantrek
6.	Coastal Tipper Hire Pty Ltd
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