



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2007/818  
Contact Officer: Shane Chisholm  
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29 August 2008

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

Dear Mr Kerr

**Re: Construction Material Producers Association application for authorisation A91047**

The Australian Competition and Consumer Commission (the ACCC) issued a determination in respect of the application for authorisation lodged by the Construction Material Processors Association (CMPA) on 29 August 2007.

As you are aware, the ACCC granted authorisation to the CMPA for an agreement to develop and publish two standard form contracts to be used by its members. These standard form contracts are for CMPA members to use 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.

The ACCC granted authorisation in respect of these arrangements 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. The 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 and
- the CMPA must respond to any recommendation 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.

As it has now been 12 months since the ACCC issued its determination granting authorisation, I seek your advice regarding the CMPA's progress towards the independent

review of the owner drivers contract. I would appreciate receiving this advice by 12 September 2008.

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, appearing to read 'David Hatfield', written in a cursive style.

David Hatfield  
Acting General Manager  
Adjudication Branch