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19 September 2008

Mr David Hatfield
Acting General Manager
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3131

CANBERRA ACT 3601

Dear Mr Hatfield

**RE: Construction Material Processors Association (CMIPA)
Application for Authorisation A91047**

On 29 August 2007 the Australian Competition and Consumer Commission (ACCC) granted authorisation to the CMIPA to enter into agreements to produce several standard form contracts for use by its members. One of those contracts was for major supply works for major contractors.

While there has been limited uptake of the contract experience has shown that keeping some of the contract up to date, particularly Appendix E which defines classes of materials to be supplied by the supplier. The Appendix is based on a cut down version of the Vicroads classes. However these change more frequently than anticipated. Consequently it has been decided to remove the detail in the appendix and only refer contractors to where they can obtain up to date information to insert. The proposed amended Appendix is attached.

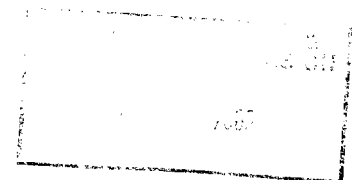
As the authorisation granted was for the development and distribution of the agreement and not for the agreement itself there is no change to the effect on competition from the agreement or on the public benefit flowing from the agreement. The change is provided to allow the ACCC to have the latest edition of the contract.

If you have any queries or wish to discuss this matter please call Sarah Andrew on 03 5781 0655.

Yours sincerely



Ron Kerr
Honorary CEO



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ANNEXURE E Definitions of classes of materials.

This Annexure shall set out detailed specification of each class of material that is to be supplied under the contract. The Annexure shall be completed where and if required and issued as part of the contract documents and shall be read as part of the Contract. .

In this Annexure, except where the context otherwise requires:

- 1) _____ is to be read as 'contractor' as defined in this contract
- 2) _____ is to be read as 'supplier' as defined in this contract
- 3) _____ is to be read as ' _____ ' as defined in this contract

Notes to attaching specifications:

- *Ensure a printed version of the specifications is attached as this prevents the specifications being changed without notification and agreement during the contract period*
- *Thoroughly review specifications to ensure you can and will comply with the requirements of the specifications and strike out those with which you cannot comply. Particular attention should be paid to post compaction testing requirements. Any deletions or amendments must be initialled by both parties.*
- *If the VicRoads standard specification are used for the contract ensure the most current version is downloaded from the VicRoads website (www.vicroads.vic.gov.au – search for 'Standard specifications') and attach.*