



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2008/1626  
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This letter, with  
enclosures, was  
posted to the  
attached list of  
interested parties.  
SC 5/2/09

Dear

### **Application for authorisation A91103 lodged by CFMEU Qld - draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEU Qld) on 6 October 2008.

#### **Draft determination**

A copy of the ACCC's draft determination is attached, including a summary of its reasons.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation, for a period of five years, to application A91103 on condition that:

- CFMEU Qld will, on an annual basis, provide the ACCC with:
  - the number of current participating owner drivers
  - details of any collective bargaining group including the group's current membership
  - the identity of any targets approached by a collective bargaining group which are not identified in Attachment A to the draft determination.

#### **Next steps**

CFMEU Qld or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference is a public meeting which provides the opportunity for all interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **19 February 2009**. If a pre-decision conference is called, it will be held in Brisbane in the week commencing 23 February 2009. Further details will be provided should a pre-decision conference be requested.

You are invited to make a written submission in response to the ACCC's draft determination. Your submission should be lodged by **20 February 2009**.

The ACCC's ability to take into account submissions provided after this date may be limited because under section 90(10) of the *Trade Practices Act 1974*, 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.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to the CFMEU Qld's application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

#### **Timetable**

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is attached for your information.

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 Sharon Clancy on (02) 6243 1217.

Yours sincerely

Dr Richard Chadwick  
General Manager  
Adjudication Branch

### Indicative timetable

<b>6 October 2008</b>	Lodgement of application and supporting submission.
<b>14 October 2008</b>	Public consultation process begins.
<b>31 October 2008</b>	Closing date for submissions from interested parties
<b>14 November 2008</b>	Request from the applicant for an extension to the deadline for providing a response to the issues raised in the public consultation process
<b>15 January 2009</b>	Request from the applicant for a further extension to the deadline for providing a response to the issues raised in the public consultation process
<b>27 January 2009</b>	Applicant responds to the issues raised in the public consultation process
<b>5 February 2009</b>	Draft determination.
<b>19 February 2009</b>	Deadline for calling a pre-decision conference
<b>20 February 2009</b>	Closing date for submissions from interested parties
<b>Week commencing 23 February 2009</b>	Pre-decision conference (if called)
<b>6 March 2009</b>	Closing date for submissions from applicant in response to the issues raised in the public consultation process
<b>March / April 2009</b>	Final determination.