



**Australian
Competition &
Consumer
Commission**

Our Ref: C2008/1626
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26 March 2009

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This letter, with
enclosure, was posted
to the attached list
of interested parties.
SC.

Dear

Application for authorisation A91103 lodged by CFMEU Qld - determination

The Australian Competition and Consumer Commission (the ACCC) has issued a 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.

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

For the reasons set out in its determination, the ACCC has decided 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 a public report setting out:
 - the maximum number of participating owner drivers during the reporting period
 - details of any collective bargaining group formed during the reporting period and particularly:
 - the number of owner drivers in the group
 - the target of the collective negotiation
 - the outcome of the collective negotiation, including where unsuccessful.

The first report is due on 15 October 2009.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 16 April 2009. If no application to review is lodged by this date, the ACCC's determination will come into force on 17 April 2009.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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

Joanne Palisi
Director
Adjudication Branch

APPLICATION FOR AUTHORISATION A91103 FROM THE CFMEU Qld

INTERESTED PARTIES – FINAL DETERMINATION

In addition to the interested parties listed below, the ACCC also invited submissions from the participating owner drivers

APA Tippers Pty Ltd

Australian Construction Industry Forum

Australian Government Department of Education, Employment and Workplace Relations

Australian Government Department of Innovation, Industry, Science and Research

Australian Government Office of the Australian Building and Construction Commissioner

Australian Government Workplace Ombudsman

Australian Industry Group

Boral Australian Construction Materials

Bulk Granite Haulage Pty Ltd

Byrnes Earthmoving Pty Ltd

Civil Contractors Federation

Coast 2 Coast Earthmoving Pty Ltd

Coastal Tipper Hire Pty Ltd

Commerce Queensland

D&M Plant Hire Pty Ltd

Demolishers, Recyclers and Asbestos Contractors Association QLD

Greenies Tippers Pty Ltd

Housing Industry Association

Independent Contractors of Australia

Lantrak Pty Ltd

Master Builders Queensland

North Brisbane Truck Hire

Owner Drivers Australia

Peter Munns Holdings Pty Ltd

Queensland Government Department of Tourism, Regional Development and Industry

Queensland Major Contractors Association

Queensland Trucking Association Ltd

Rockin' Haulage Pty Ltd

Thiess Pty Ltd

Timms Haulage

Tims Holdings Group Pty Ltd

Transport Workers Union Australia